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ADOLF BECK

(1877 - 1904)



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# ADOLF BECK

(1877-1904)

BY

Eric R. Watson, LL.B.

Author of "Eugene Aram: His Life and Trial," &c., &c.; Member of the  
Medico Legal Society



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## COMEDIE OF ERRORS.

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DRO. S.—To conclude, the drudge . . . told me what privie  
markes I had about mee, as the marke of my shoulder,  
the Mole in my necke, the great Wart on my left Arme,  
that I amaz'd ranne from her as a witch.

*Actus Tertius. Scena Secunde.*

. . . . .

CUR.—A Ring he hath of mine worth fortie ducketts  
And for the same he promis'd me a Chaine.  
Both one and the other he denies me now :

*Actus Quartus. Scena Tertia.*

. . . . .

\* E. DRO.—Sir, he din'de with her there at the Porpentine.

CUR.—He did, and from my finger snacht that Ring.

ABBESSE.—Most mightie Duke, behold a man much wrong'd.

S. ANT.—This purse of Ducketts I received from you,  
And Dromio my man did bring them me :  
• I see we still did meete each other's man  
And I was ta'en for him, and he for me,  
And thereupon these errors are arose.

*Actus Quintus, Scena Prima.*



## PREFACE.

THE Beck case will, I venture to think, remain one of the most remarkable instances of a genuine miscarriage of justice, resulting neither from want of good faith on the part of those concerned in the prosecution nor from want of skill and experience on the part of those responsible for the defence, but from a singularly sinister combination of unhappy coincidences, such as can seldom happen in the legal history of any country. It is the fashion of judges to exhibit some impatience, when counsel cite the Beck case as a historic case of mistaken identity; yet separating the features peculiar to that case, which can happily never recur—though the reasons why they cannot, such as the Indictments Act, are as technical as those which produced the lamentable result in 1896—from those that it shares with other such cases, it still remains a most remarkable example of the fallibility of human testimony and of human judgment.

A generation having passed since Beck's name was before the public, many readers and reviewers may stand in need of a succinct account of the essential facts of the story, which began in 1877 and ended in 1909.

The late Master of the Rolls, Lord Collins, has happily relieved me by his lucid narrative of the facts (which will be found at p. 247 in Appendix XI., containing the report of the Committee), and his clear marshalling of them under their dates (from which I have compiled the table of leading dates) from attempting to do what he had already accomplished with more skill, knowledge, and opportunity of ascertaining the facts from inspection of the documents than I could lay claim to.

My cordial thanks are due to Superintendent Lawrence (now retired) and his staff at Scotland Yard for the assistance so readily given and for the loan of many documents and photo-

graphs bearing on the case. Most unfortunately, Meissonier's original description and some others hardly less material are no longer extant. I also have cause to regret that the Home Office did not see its way to allow me to inspect the exhibits in her case and in other cases covering the period, when Beck certainly was, and Meyer was not proved to be, in England. As, however, Meyer certainly perpetrated the frauds on Nutt in 1894, we may safely assume his guilt throughout 1895.

My thanks are due to Mr. Teignmouth Shore for drawing my attention to Inspector Littlechild's experiences of mistaken identity, and to Mr. Frank Froest, who has been good enough, in his well-earned retirement, to furnish me with his recollection, after so many years, of the marks pointed out in open Court by Meissonier and Brakefield.

ERIC R. WATSON.

LONDON, *August, 1922.*

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# ADOLF BECK.

## INTRODUCTION.

Adolf Beck was born at Christiansund, Norway, on 14th January, 1841, his father being a merchant captain and a merchant. He was educated at his native place until sixteen years of age, when he was put into a merchant's office, but the life did not suit him. For a time he studied chemistry, and then, at his own wish, went to sea for a year. He next arrived in this country, reaching Cardiff in 1865.<sup>1</sup>

His first employment in England seems to have been in the office of Mr. Henry Jepson, ship's chandler, where he remained for about eight months,<sup>2</sup> nothing being known against him while there. In 1896 Mr. Jepson recognised him from a photograph shown him by Inspector Harris of Falmouth. He continued to improve his English by entering the service of a ship's broker at Bristol, whence he returned to Cardiff, thence proceeding north to Liverpool, Aberdeen, and Glasgow.<sup>3</sup> In Aberdeen he obtained his living by singing on the stage.<sup>4</sup> He left this country towards the end of 1868, sailing for Monte Video, where he remained nearly a year. Whilst there he met the popular pianist, Louis Moreau Gottschalk, then at the height of his fame, and he "used to sing with him to the best people in Monte Video." A revolution broke out in which Beck took part, sustaining a sword wound on the right arm, the scar of which was long afterwards visible. He earned his living at this time as a broker until Gottschalk telegraphed to him to join him at Buenos Ayres. Here he remained a year, working in a ship broker's office and presumably assisting the pianoforte virtuoso at his recitals. After visiting Paraguay, Bolivia, and Chili, he went to Iquita, where he met Colonel North, with whom he shared a tent, and he was on visiting terms with that financier in England about 1892.<sup>5</sup> At some period whilst in South America he

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<sup>1</sup> Beck's evidence before Committee.

<sup>2</sup> Inspector Harris's report.

<sup>3</sup> Beck's evidence before Committee.

<sup>4</sup> Vanvert's statement to Scotland Yard.

<sup>5</sup> *Ib.* and Beck's evidence before Committee and Sir A. Kirby's statement to Scotland Yard.

# Adolf Beck.

sang on the concert platform with Carlotta Patti.<sup>1</sup> According to his one-time secretary, Mr. Vanvert, he sang with her in Italian Grand Opera, albeit she was lame and appeared little on the stage. He himself says that he "returned to the port (?) and formed a company to build a theatre." He went to Lima in Peru in 1874, remaining there ten years. In 1879 war broke out between Chili and Peru, and continued until the battle of Miraflores and the surrender of Lima in January, 1881.

Beck passed scathless through this affair, though it led to his making the acquaintance of a Major Lindholm, who was taken prisoner by the Peruvians, and who was a witness for the defence at the trial of 1896.

Owing to a concession falling through, Beck left South America in 1884, reaching London in May, 1885. He went in 1888 to stay at the Covent Garden Hotel, then kept by a Mr. A. S. Brown, and remained about six years, incurring a bill for £600 for board and lodging. Mr. Brown further lent Beck about £1600 on bills to assist him to work his mines in Norway.

In September, 1894, Brown requested Beck to leave, being unable to get any money out of him. Whilst a resident in the hotel, Beck was continually quarrelling with other lodgers, and trying to get them to lend him money.<sup>2</sup> In the summer of 1891, Beck engaged Jörgen Traag Vanvert as his secretary at a salary of 30s. a week, but the money was never regularly paid, and finally was not paid at all. When Beck was "turned out" of the Covent Garden Hotel Vanvert ceased to have anything to do with him, but when they accidentally met Beck was always well dressed. About 20th December, 1895, Beck was so embarrassed that he borrowed £5 from Vanvert on a promissory note, which Vanvert destroyed, never expecting to get the money back.<sup>3</sup> During the whole time of his residence with Mr. Brown, Beck was in the habit of pawning things, including a gold-mounted umbrella and a gold watch.<sup>4</sup>

Whilst living at the Covent Garden Hotel, Beck became acquainted with Mr. F. Tallock, of Albion Tower, South Norwood Hill; with Mr. Godfrey Chetwynd, of 13a Cockspur

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<sup>1</sup> G. R. Sims' "Martyrdom of Adolf Beck" and Vanvert's statement. He had been a pupil of Mario and could sing in Italian opera and play the mandoline. E. P. Wells' statement to Scotland Yard.

<sup>2</sup> Brown's statement to Scotland Yard. From S. A. Jones's evidence, Beck came to his hotel in September, 1893. Jones kept the Buckingham hotel.

<sup>3</sup> Vanvert's statement.

<sup>4</sup> Vanvert's statement. Brown's statement to Sergeant Allen. White, hotel porter's statement.

## Introduction.

Street; with Miss Emma Craddock, then employed in the hotel; Mrs. Millett, keeper of the Sessions House, Broad Sanctuary; and Mrs. Simpson, housekeeper at a very good address in the West-end. About this time he also became acquainted with the late Sir Alfred Kirby, a financier interested in mining properties; and with Mr. Edwin Wells, J.P., in the employ of the L.C.C. Beck was in the habit of writing to the ladies mentioned and to others.

As he possessed little skill with his pen he frequently got Vanvert to write for him. But he also employed outside aid, and was sued in the County Court for work done in writing letters to ladies.<sup>1</sup>

Far the most valuable of the acquaintanceships Beck made while staying at Marcus Brown's Hotel was that with George R. Sims, who was later destined to bring to light, not indeed with scrupulous accuracy or studied impartiality, the extraordinary miscarriages of justice, which have secured this unattractive Norwegian a permanent niche in the Temple of Fame.

Leaving the Covent Garden Hotel under the circumstances described, Beck next took up his abode at the Buckingham Hotel in the Strand, where he stayed for about two and a half years, or, according to the proprietor, S. A. Jones, from September 1893, to September, 1895. He appeared to be in poor circumstances and his clothes were shabby in the winter and spring of 1894-95.<sup>2</sup> He left the hotel to go to a flat at 139 Victoria Street. Here he continued to reside until his arrest on the charge of Otilie Meissonier on 16th December, 1895.

Beck had returned from South America with considerable funds. In his own statement he says that from a commission for procuring a concession to build a railway in Spain he obtained £8000 from Attolla Brothers, and Vanvert added that Beck had obtained large sums from "supplying the troops with food." This was presumably during the war between Chili and Peru. He went to Norway and invested £4000 in copper mines at Dalen, and on his return to England appointed a certain A. Dettmer as manager, but he could not get any money out of Beck, and had to sell up his home in order to return to his native Sweden.<sup>3</sup>

About 1889 or 1890, Beck had bought a mining property at Telemarken from one Charles Delgobe, whom he engaged as manager, promising him a fixed salary, of which, however,

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<sup>1</sup> W. E. Savory's information to Scotland Yard, *post*, p. 6.

<sup>2</sup> Jones's evidence. Annie Smith's evidence. C. C. C., 4 March, 1896.

<sup>3</sup> Vanvert's statement to Scotland Yard.

## Adolf Beck.

Delgobe never received anything; and in February, 1896, when he made his statement to the Christiania police, Delgobe claimed that 5000 kroner were due to him.

Delgobe also furnished information of little moment as to Beck's association with women.<sup>1</sup> Beck was likewise negotiating in 1890 for the purchase of the Nysæter mine in Hadeland, the property of O. & A. Horth, engineers, and he introduced the Spanish Company, Ltd. On this transaction Beck received a commission of 5400 kroner, which was paid to him in cash. "But notwithstanding this, he had received from the purchasers of the mine in London a portion in advance of the commission. This, together with a loan in cash of about 1000 kroner, amounted altogether to 7750 kroner, which Beck still owes to the deponents."<sup>2</sup> Rudolf Andvord, steamship agent, had a very similar experience with another Telemarken mine, which Beck purchased from him on behalf of a Spanish company. Beck borrowed money from him, and Andvord also expended his own money on the upkeep and renovation of Beck's mining property, which had been neglected. So that the deponent now has not a little owing to him. He has sized Beck up as an adventurous and irresponsible individual, and has always kept a safe distance away from him.<sup>3</sup>

On returning to London, Beck endeavoured to dispose of these mining properties by offering them to interested parties and by the flotation of companies. Through Colonel North he made the acquaintance of Sir Alfred Kirby, of "The British Goldfields of West Africa, Limited," somewhere about the year 1893. Sir Alfred lent him £200 or £300 in return for an option to purchase the mines when the debt was cleared. He further sent a mining engineer named Kitts and his own son to Norway to examine the mines, and they found the mines "were nothing near what Beck had represented and would not pay for the working." Sir Alfred had previously sent a further £200 to a bank in Christiania for the use of Beck, but on learning that Beck's statements about the mines were "untrue," Sir Alfred prevented his getting the money, though Beck "tried very hard" to get it. The cost of the trip of Kitts and Sir Alfred's son was between £500 and £600. As to Beck's financial position about this time, it seems he had often been glad to borrow sums of half a crown to half a sovereign from Sir Alfred. The latter had no doubt that Beck and Colonel North were together in South America; he had heard each speak about it.<sup>4</sup>

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<sup>1</sup> Report of Christiania police, p. 205.

<sup>2</sup> *Ib.*

<sup>3</sup> *Ib.* Andvord's deposition.

<sup>4</sup> Sir A. Kirkby's statement to Scotland Yard.

## Introduction.

Beck also approached Mr. F. Tallock, of Albion Tower, South Norwood Hill. This was in 1890, when he was staying at the Covent Garden Hotel, where also was staying a Mr. Mellar, a friend of Mr. Tallock, and to him also Beck represented that he was in need of £200 to work his mines. He promised to repay him £5000 for an advance of £200. The money was lent, and when Mr. Mellar possessed but £25 to his credit he lent Beck a further £10 on the strength of his statements. Not a penny was ever repaid.<sup>1</sup> Mr. Mellar went to America.

Mr. Godfrey Chetwynd was another person approached by Beck, but as he gave evidence in 1896, it is unnecessary to give details of his statement here. In December, 1895, Mr. Chetwynd ordered Beck out of his office. He had given him a commission note, payable when some business in connection with a patent lock nut was completed, and after Beck's arrest, he offered his solicitor, Mr. Ditton, £100 to get it back. He stated that Baron Victor de Fock, of Bradbury, Wilkinson & Co., could give information of Beck when in South America.<sup>2</sup>

Mr. Edwin Wells, J.P., also gave information touching Beck's mines, but his principal complaint against him was that whereas he himself had introduced a purchaser for an Australian gold reef, Beck had written to the owner not to pay Mr. Wells his commission, and in consequence it was paid, the amount being £450, to Beck, between June and August, 1895, by Jenkins, Baker & Co., of St. Mildred's Court, Poultry.<sup>3</sup>

Assuming the above statements to be true, it will be seen that Beck was not scrupulous in his dealings with men in money matters; it will be seen that he was often necessitous—to the extent of needing to borrow a few shillings, but it will also appear that he had the handling of large sums of money at a time. In particular, about mid-summer, 1895, Beck was paid £450; yet at this very time it was alleged that he robbed Daisy Grant and Kate Brakefield of property valued at £32 10s.<sup>4</sup>

As to his relations with men, it deserves to be recorded that two hotelkeepers, Browne of London and Fritzner of the Grand Hotel, Christiania (?), were ready to let Beck have very large credit for his hotel accounts, as he was "very open-handed with money when he had it."<sup>5</sup>

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<sup>1</sup> Mr. Tallock's statement to Scotland Yard.

<sup>2</sup> Mr. Chetwynd's statement to Scotland Yard.

<sup>3</sup> Wells' information to Scotland Yard.

<sup>4</sup> See their evidence, *post*, p. 133, 135.

<sup>5</sup> Browne's evidence, report of Christiania police, p. 205.



## Adolf Beck.

It now remains to examine his relations with the sex in his known character of Adolf Beck, Norwegian, in order justly to appreciate the likelihood that he might be inclined to commit the crimes of which he was accused and convicted in 1896 and 1904. The first information the police received about him, apart from the charges he was apprehended and remanded upon, was contained in a pink envelope, post marked "London, S.W., 30th December, 1895," and addressed to "Detective Department, Great Scotland Yard." It was anonymous, but there seems some reason to think it was written by E. S. M., a married woman, who wrote again in 1904. The letter, headed "Re Adolf Beck," stated that the subject "is a thorough rogue and has been practising this business with better-class ladies (mostly widows) for years." The writer, evidently a woman, gave information concerning a Mrs. M., whose acquaintance Beck had made some five years before at the Covent Garden Hotel, but added that Mrs. M. would be reluctant to help, fearing exposure.<sup>1</sup>

On 27th January, 1896, Mr. Vanvert, Beck's former secretary, volunteered a statement. To an extent I need not now go into, he confirmed the opinion of Messrs. Gurrin and Inglis that certain of the incriminating documents were "positively" in the handwriting of Beck. He also added that he "frequently drafted letters to ladies for Beck," and he mentioned several names, but could not remember them all. He was confirmed in this by Mr. W. E. Savory, for six years clerk to Messrs. Williams & Nevill, solicitors, who, writing under date 13th July, 1904, after Beck's second apprehension, stated: "I knew this man in London in 1889, and in 1890 defended a County Court action brought by a Norwegian for money due for translating letters to women. This case was tried at the Lambeth County Court, and Beck was represented by Mr. Sylvain Meyer, barrister (he has since taken silk). At this trial Beck admitted that he had recently returned from Panama, and his English was not quite good enough to write the letters he wished. He has small fingers and was wearing women's rings. . . . I believe, but cannot prove, that Beck has been convicted in Telemarken, Santa Rosario, Panama, and Buenos Ayres. He is acquainted with an ex-convict from Christiania, named Mellin (possibly an alias). I am firmly convinced he is an adventurer of the worst type."<sup>2</sup>

Mrs. E. S. M., under date 14th May, 1904, states—"I was

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<sup>1</sup> C.I.D. 108850/2; Div. Ref. a/11067.

<sup>2</sup> Savory's statement to Scotland Yard. The Christiania police reported that Beck was never charged with any offence in Norway. Sir A. Kirby concluded his statement by saying he was "of opinion that Beck is a great liar and a scoundrel."

## Introduction.

a friend of Mrs. M., of the Guildhall, Westminster, about three or four years ago. I was with my husband at a dinner party with Mrs. M. when I was introduced to Adolf Beck. I was at this time a constant companion of Mrs. M., and I on numerous occasions met Beck there. The friendship between myself and Mrs. M. and Beck extended over a long period. He offered to accompany me to a religious meeting. On the way he asked if I could lend him £20 and not to acquaint my husband. He also made several proposals to me that I did not consider proper, he put his arm around me, which I resented. He suggested calling on me during my husband's absence from home. He used to say I was good-looking, and promised to buy me presents, and he was a rich man. I have been shown very handsome presents by Mrs. M. which she stated had been given her by Beck." . . . She then gave particulars of the relations between Beck and Mrs. M., and concluded—"During the time I knew Beck I never knew him to have any money; he always asked me for the bus fares. I have often seen Beck wearing a single eyeglass. It was his favourite eyeglass with a cord attached."<sup>1</sup>

On 15th July in the same year, Inspector Kane, a firm believer in Beck's innocence as to both the second and the third series of crimes, forwarded a letter to the C.I.D. from a Mrs. C. From the tone and writing of her letter and from her card, she was evidently a lady, and was a cousin of one of the most popular and powerful figures in the political life of the last decade of Queen Victoria's reign.

Mrs. C. was visited, and made a statement that her sister, Mrs. H., was introduced to Beck, who visited her daily at her flat, whilst living at the Covent Garden Hotel, and that on several occasions he sent Mrs. H. presents from Norway. Mrs. C. suspected Beck of stealing three bangles from Mrs. H., and also of having some of her sister's allowance. In 1896 the officers engaged on the case were very desirous of interviewing Mrs. H., but she went on the continent with Mrs. C.'s husband, travelling as brother and sister.<sup>2</sup>

Beck was more or less accepted as Mrs. H.'s fiancé. Colonel G., who in 1896 was the husband of Mrs. C. and the brother-in-law of Mrs. H., made a statement to the police on 15th January, 1896. He was naturally anxious to spare his sister-in-law the pain of any publicity, but promised to assist Mr. Froest by sending him any specimens of Beck's writing Mrs. H. might possess. With regard to the proposed marriage,

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<sup>1</sup> Statement of E.S.M. forwarded by F. division; no C.I.D. or Div. Ref. No.

<sup>2</sup> Report of Sup. D. 385; C.I.D. Ref. 176167/13.

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Colonel G. told Beck, who had met Mrs. H. at the house of an "influential lady," that he was a blackguard. Consequently the marriage did not take place.<sup>1</sup>

Mrs. S. M., a widow, giving a good address, furnished a little information which, slight as it was, is worth summarising. About August or September, 1895, a stranger accosted her in a confectioner's shop, talking casually about the weather. He drove her home in a hansom, and asked her to come and have tea with him. He gave her his card, which, she thought, ran: "A. Beck, 296 Victoria Street." Some short time after she came and had tea with him; the rooms were well furnished, and he seemed to be comfortably off. A housekeeper brought the tea, and he treated her "as a gentleman should treat a lady." He did say he was going abroad, Norway, I think: he said something about having a mine there." She never met him or heard from him again, and did not recognise his photograph when produced by Froest."<sup>2</sup>

After his free pardons and the grant to him of £5000 as compensation, there is no doubt he frequented the society of loose women. Thus on 17th October, 1905, Adolf Beck, of Dryden Chambers, Oxford Street, was charged, before Mr. Denman, at Marlborough Street, with obstructing P.C. Willard in the execution of his duty, which was the arresting of Marie Rouquin, a prostitute, and, according to Superintendent Mann, also a "well-known brothel keeper." He was bound over. The superintendent adds—"He can be seen almost nightly in company of prostitutes in Oxford Street."<sup>3</sup> Several anonymous letters from prostitutes reached Scotland Yard saying that Beck was up to his old tricks and the like, and Mr. S., an American subject, spoke to a conversation on board the "Ivernian" in January, 1906, with Mr. Tallock, who had got to know Beck before his first conviction, through friends investing several thousand pounds in a company promoted by him, which "was found to be a swindle."

He went on to say that Mr. Tallock had shadowed Beck and had seen him speak to women, to whom he had afterwards spoken himself. The police attached no importance to this, and did not see Mr. Tallock upon it.<sup>4</sup>

As to Beck's relations with the sex in Norway, Delgobe states—"Beck is free handed with money when he has it; he is also somewhat given to drink, and when he is in an intoxicated condition he likes to associate with women, especially

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<sup>1</sup> Statement of Col. G. from C.I.D. 108850/9.

<sup>2</sup> 108850/9.

<sup>3</sup> C. Div. 176167/24.

<sup>4</sup> C.I.D. 176167/25.

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those of the lowest class." To Fritzner Beck appeared so unattractive that he could not imagine any one being led astray by him; he did not know him to associate with women.<sup>1</sup>

Beck speedily got rid of the £5000 grant to him. Sued before Mr. Justice Bingham on 23rd February, 1906, for £220 due to his late solicitor's trustee in bankruptcy, he told the judge—"I have no money, my lord." In December, 1909, being then in very indigent circumstances, he was admitted to the Middlesex hospital suffering from pleurisy and bronchitis, and there he died on the seventh day of the month.

### The Crimes of 1877.

About Christmas-time, 1876, Ada Wooding was walking between Charing Cross and Ludgate Hill, when a stoutish young man, already exhibiting signs of a double chin, accosted her, and said he should like to see her again. She gave her address, and he said he would write to her, which he did on Wednesday, 7th March, 1877. He wrote on crested note-paper, approximating to the arms of several branches of the Milles family, having the curiously infelicitous motto, in the circumstances, "*Esto quod esse videris.*" He purported to write from the Army and Navy Club, Pall Mall, and he signed his letter "Captain Wm.," as far as what followed the word "Captain" was decipherable at all. He came as appointed, and he gave the so-called cheque for £13 10s., and the order to Messrs. Howell & James, which are described in Ada Wooding's deposition. There was the promise to instal her as his mistress at a house in St. John's Wood, the borrowing of her rings, her small cash, and an umbrella, which were to form common features of these frauds from the spring of 1877 to the summer of 1904, when they finally ceased.

Less than a month later Louisa Leonard, married but living apart from her husband, was perambulating in the neighbourhood of Charing Cross, when the same young man accosted her. He promised to write next day, and he did so, and called on her on Thursday, 12th April. She was to become his mistress at a house in St. John's Wood, and in lieu of her cheap rings, he would send her good ones by a commissionaire of the Army and Navy Stores. He gave her an order on Howell & James, and a so-called cheque for £13 10s., borrowed her small cash, and departed.

On 18th April, he met Louisa Howard, to whom identical proposals were made, a so-called cheque for the same amount given with an order to Messrs. Howell & James, and from

<sup>1</sup> Report of Christiania police, p. 205.

## Adolf Beck.

whom, too, petty cash was borrowed. The notepaper on which he wrote appointing to call bore the same coat of arms, and purported to be written from the Army and Navy Club, of which, in conversation, he professed to be a member.

Of course, all three "cheques" were valueless, and there were seventeen other women defrauded in a precisely similar way.<sup>1</sup> On Friday, 20th April, Louisa Leonard recognised the man who had defrauded her, pursued him into Gower Street, and gave him into custody. To the three women whose depositions were taken and the exhibits in whose cases survive, he represented himself as "Lord Willoughby," and he signed the bills of exchange forms, as far as can be seen, "W. Willoughby."

Nothing of a foreign appearance or accent was noted about the man by these women, and inasmuch as he professed to be an English nobleman, no foreign accent can have been very apparent.

Committed for trial, in the name of "John Smith," he was prosecuted by Mr. Forrest Fulton, defended by the famous Montague Williams, tried by the Common Serjeant, Sir Thomas Chambers, convicted and sentenced to what would nowadays seem the vindictive term of five years' penal servitude.

He never disputed the justice of his conviction, but only complained of the severity of his sentence in a petition to the Home Secretary, dated 25th June, 1879.

The petition and the exhibits alike exhibited in nearly every word strong evidences of a German education in calligraphy. In a statement made long afterwards, which the police were not able to verify, Wyatt, *alias* Smith, *alias* Thomas, said he had been educated at the University of Vienna, where he had obtained two degrees.

He seems to have been described on his indictment by the addition of "labourer," which probably accounts for his description as such on his ticket of leave, dated 14th April, 1881. His term of penal servitude had so macerated and reduced him that the plump and youthful *viveur* of 1877 was transformed into a grave ascetic of middle age in February, 1881, when he was photographed prior to release on licence.

In the name of Dr. Weiss, Wyatt had become acquainted with Mrs. Catherine Brown at Highgate in 1876. After his release in 1881, he visited her, and eventually resided with her, but he never paid her for the five months he stayed with her, nor did he do any work. When he left her he said

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<sup>1</sup> Brief for prosecution in *R. v. Beck*, 1896.



**William Augustus Wyatt, alias John Smith.**

*(From a Police Photograph taken on release in 1881.)*



## Introduction.

he was going to Germany. He had told her his parents resided in Vienna. He was always well dressed.<sup>1</sup>

### The Crimes of 1894-1895.

On 2nd December, 1894, Fanny Nutt, widow of a deceased corporal-major in the Life Guards, was walking in Bond Street about six o'clock in the evening, when a well-dressed stranger accosted her, and said he would like to call and see her at her home off the Hampstead Road. They talked for about ten minutes, and the affable stranger promised to write and make an appointment to call on the widow. Next day arrived a note on the Grand Hotel stationery, headed "Monday evening," and signed with an illegible scrawl. Its wording and handwriting will call for comment later. The stranger called as appointed and was shown upstairs. After the familiar talk about establishing Mrs. Nutt as his mistress in John's Wood, the stranger, incidentally remarking that he had estates in Lincolnshire (the county where Wyatt happened to be born), produced two cheques, one for ten, the other for fifteen guineas, drawn on the Union Bank, Belgrave Mansions—a non-existent bank. As in 1877 the so-called cheques were on bill forms, having the printed words "after date" and "value received." A list of clothing to be got at Redfern's was made out. Rings to the value of £6 or £7 were borrowed to match the size, and a one-armed commissionaire from the Grand Hotel was to bring the rings back with other jewellery at five the same day. A brooch also was missed after the visitor left. The stranger himself would return next day. He was very well dressed. He gave no name, and did not say he was Lord Willoughby. The signature to the bills was a mere scrawl. Mrs. Nutt never presented the "cheques," nor did she inform the police. On 9th January, 1896, Mrs. Nutt claimed to recognise Beck then in the dock at the Police Court as the man who had defrauded her. "I swear to the back of him" runs the deposition. "I identify him back and front," says the report in the *Morning Advertiser* of 24th January. She thought he was English, but "he might have had a slight foreign accent."

His clothing as described by her exactly agreed with the descriptions given by several other women. Wyatt, who had been discharged for want of evidence in connection with a worthless letter of credit in April, 1894, was not known to the police to be in London or even in England in the following

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<sup>1</sup> Statement of Mrs. Brown, February 5, 1896, from 108850/9.



## Adolf Beck.

December, nor indeed were they able ever to trace him as being in England before the early part of 1896. Beck, on the other hand, was in London.<sup>1</sup> On 1st January, 1895, Marion Taylor, who passed as Miss Duncan, and was leading an immoral life, was walking in Piccadilly. It was a Saturday. Outside a shop a stranger came up, who arranged to call next day. A telegram arrived on the Sunday, and at four the stranger arrived at Miss Duncan's rooms in Pimlico. The inevitable establishment at St. John's Wood, the worthless "cheque"—this time for £25—the list of clothing to be got at Redfern's, the borrowing of the rings figured again, and petty cash was borrowed for a cab fare. The "cheque" was drawn on the Union Bank, St. James's Street, a non-existent branch.

This woman noticed that the stranger had a strong foreign accent. He said to her he was a German. He was beautifully dressed. Miss Duncan came forward a year later, and identified Beck when in custody as the man who had robbed her. The telegram was signed "Wilton, Carlton Club."

On 3rd January,<sup>2</sup> 1895, Evelyn Miller was walking in Bond Street about five in the afternoon, when a stranger stopped her and asked her if they had not met at a Covent Garden ball. The usual arrangement to call followed, but, in this instance, the cheque which the wealthy patron gave was for £30, and was drawn on the L. and S.W. Bank, Balham branch. It was one of several cheques out of a particular cheque book, as will be seen later. A list of clothing to be got at Redfern's and Russell & Allen was made out; £2 were borrowed. The one-armed commissionaire, who was to bring the jewellery, reappeared. The telegram making the appointment was signed "Wilton, Carlton Club." This witness, on finding her cheque to be worthless, went at once to Albany Street police station and described the man who had robbed her. I have not that description, but the witness herself repeats it thus—"Slight foreign accent, about sixty, 5 ft. 4 in. high, hair and moustache cut short, almost white, dressed well, speaks with rather a broad accent, evidently a gentleman."

This witness, who did not give her real name, which also began with "M," was an actress "resting." Accent and pronunciation would, therefore, be more carefully noted by her than by the average woman. She identified Beck at the Police Court as the man on 23rd January, 1896.

<sup>1</sup> Opening speech of Mr. Mathews in *R. v. Thomas*, 15th Sept., 1904.

<sup>2</sup> In her evidence and deposition she gives the date as 28th January. The date above is from the official chronological statement in Cd. 2315. I believe the date—28, a Saturday—to be correct.—E. R. W.

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On 18th April, a Saturday, Alice Sinclair was walking in Ludgate Hill when a stranger spoke to her. She was with her sister. The stranger arranged to call next day. He did so. In the course of conversation he mentioned that his house in St. John's Wood was in the Abbey Road. What form of cheque was given on this occasion is not clear. In her deposition Miss Sinclair said the "cheque," for £40, was on the "bank in Belgrave Mansions, Victoria," but from her evidence it would seem to have been drawn on the Balham branch of the L. and S.W. Bank, and therefore to have come out of the cheque book referred to. The clothing, of which a list was made, was to be got at Redfern's and a riding habit at Cobb's. A commissionaire was to return the borrowed rings. Miss Sinclair identified Beck as the man, when he was in custody on 2nd January, 1896. At the time she thought the man was "not an Englishman," though he said he was the Earl of Wilton. He was very well dressed in new clothes. Details of his dress will be referred to later.

On 6th March, Mrs. Townsend, a widow, was walking with her little daughter in Piccadilly when a stranger came up and asked her if she was "Lady Somebody." She said she was not. The stranger said he was "Lord Winton de Willoughby," and had just returned from Canada. Calling by appointment next day, the stranger went through his invariable procedure, but in view of Mrs. Townsend's position as the widow of an Indian official, the cheque—again on the bank at Balham—was for £120. But the property abstracted was also worth more, about £100. There was downright larceny on this occasion, as distinct from false pretences, larceny by a trick or as a bailee. The one-armed commissionaire reappeared as the party to return the borrowed rings. The stranger was to return next day. Both in the street and at the house, the stranger held a pocket handkerchief to his cheek—the left cheek—the whole time. When the stranger spoke to her in March she noticed no foreign accent, but rather a Yankee twang. At the Police Court she identified, not without doubt, Beck as the man on 23rd December. She did not doubt his appearance, but doubted when he spoke with a foreign accent, which seemed to her Swiss. He spoke in a foreign language at the station. It was not in French.

In March or April, 1895,<sup>1</sup> Juliette Kluth, a music-hall artiste, who passed under the name of Lily Vincent, was at Olympia with her little sister between 3 and 4 p.m.

<sup>1</sup> Letter from 108859/5 received 31st December, 1895. By this time Beck had already been described in the press as a mineowner.

## Adolf Beck.

After the performance a man came up and spoke. Next day he called by appointment. The one-armed commissionaire was mentioned again by the generous stranger, who wrote out on what the Sessions paper describes as a "promissory note form" a "cheque" for £20. It was domiciled at the Union Bank, Belgrave Mansions. This witness wrote to Scotland Yard, describing the man, and this is her description—"The man is about fifty years of age and had a gentlemanly manner. He told me he is the owner of a mine. If I can see that man Adolf Beck, I can at once say if he is the man who defrauded me." On 2nd January, 1896, Juliette Kluth, without a moment's hesitation, picked out Beck as her swindler. She was a Belgian under contract to perform in Germany, at Riga and elsewhere, and she noticed the stranger's foreign accent, as she said, but it is not referred to in her letter. The general features of the fraud were the same, and there was once more the mythical one-armed commissionaire. The man wrote the "exhibits" quickly. Redfern was to supply the costumes. The man spoke in fluent French to Miss Kluth, and with more a French than a German accent when he spoke in English.

His moustaches were waxed. In her evidence Miss Kluth said the man was described by her as "short, broad shoulders, and a long moustache." She also said she described his foreign accent at the time. That is not so. Also she said in her letter to the police that the man met her "at the end of April at Earl's Court railway station, and that he called on her on the 1st March. There is room for doubt if her evidence was not as inaccurate as her letter and her memory.

On 3rd April, 1895, a man called at a house in Pimlico and inquired for a Mrs. Allen. Mrs. Allen was not in, but Miss Minnie Lewis answered for her. Miss Lewis had three times seen the man before when he had called for Mrs. Allen. He sat down in Miss Lewis's room, and went through the familiar business of the house at St. John's Wood, the "cheque," the clothing to be got at Redfern's, and the habit at Cobb's. The man said he was Lord Wilton. He wore a pointed, military moustache, was very well dressed, and wrote the "cheque" backhanded, but freely. This case differs only from the others in that the man who called was not a stranger to Miss Lewis. She picked Beck out as the man on 23rd January, 1896.

"I have not a shadow of doubt he is the man," she said. Under cross-examination she was unable to recall any peculiarities in her description of the man to the police. And she was very vague as to his stature, "about five feet high or a little more." She described him as 55 or 56.

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On 22nd July, a Saturday, Kate Brakefield, a music-hall artiste, whose stage name was Alice Brookman, was walking along Sloane Street when a man came up and professed admiration of her small foot. He arranged to call next day. He called, gave the name of Lord Wilton, and the usual talk followed, including the promise to send the things by a one-armed commissionaire. The lady, on discovering the fraud, went the same day—a Sunday—and described the man. She gave no description of any mole, scar, or mark on his face, but when she read of such a mark in Mme. Meissonier's case in December, she went to the Police Court and picked out Beck as the man. "His face is a little thinner and his moustache not so military. It was then long and waxed," she said at the trial.

She noticed that the man spoke with a little foreign accent, which he explained by saying he had been abroad a good deal.

Daisy Grant, the next victim, met a man on 4th July, 1895, in St. James's Street. She was with a lady and a little boy. Her story in no way differed from the others, except that the house in St. John's Wood was now situate in Adair Road. Daisy Grant purported to recognise Beck as the swindler on 16th December, 1895. She admitted that her companion, who had only seen him once, could not recognise him. In cross-examination at the Police Court she admitted that the man "did visit me for a purpose, and not having money, gave me that cheque."

It was not until 26th November<sup>1</sup> following that the next of the cases charged against the unhappy Norwegian occurred. On that day, Otilie Meissonier, a German subject, but speaking with a strong French accent,<sup>2</sup> met an affable stranger in Victoria Street. She was returning from a flower show, and the method of accosting was exactly the same as in Mrs. Townsend's case—the pretence of recognising her as a lady of title. As a matter of fact, she was a teacher of music, had some means of her own, and spoke several languages fluently.

The stranger desired to call on Mme. Meissonier next day, ostensibly to see some chrysanthemums she had received. He was let in by her maid, Harvey. Mme. Meissonier seems to have been an intelligent and observant woman. She noticed the way the man held his pen as he wrote the list of dresses to be got at Redfern's and Cobb's and the so-called cheque. He held it between his two fingers, and not as men mostly do, between forefinger and thumb. His hands were marked by

<sup>1</sup> According to the Chronological table it was November 29.

<sup>2</sup> *Morning Advertiser*, December 18, 1895.

## Adolf Beck.

the seams of his tight brown gloves, as he took them off to write. When she returned to the sitting room, she noticed that he was reading a German paper. A porter with one arm was to return the borrowed rings. There was also downright larceny on this occasion, an antique watch being stolen. The so-called cheque was drawn on the Union Bank, St. James's Street.

Immediately she missed the watch Mme. Meissonier sent out Harvey to look for the man. She herself at once took a cab and tried to find the bank. At the Trafalgar Square branch they told her the instrument was worthless, and she then went to Vine Street police station, where they took her description of the man and referred her to the Hammersmith station, in the jurisdiction of which she resided, to enter her complaint in the crime book there. She did so.<sup>1</sup> Three weeks later she was passing along the south side of Victoria Street when she saw a man standing in the door of a house, 135 or 139—she was not sure which—to whom she spoke, he "smiling very sweetly," in English, in which tongue he replied. What happened in the next few minutes was to decide the whole of Beck's future life, for Beck it unquestionably was to whom Mme. Meissonier had spoken. Instead of withdrawing to the security and privacy of his flat at 139, he rapidly crossed the street to the north side, running rather than walking, through the omnibuses and cabs, pursued by the lady, who "could hardly follow him." By the old Royal Standard theatre, they both espied a policeman on duty by the clock that still stands at the junction of Vauxhall Bridge Road and Victoria Street. It was evident to Beck that the woman was about to charge him, and, outstripping her, he first approached and spoke to the officer, complaining that the lady had accosted him and using foul language about her. She took upon herself the responsibility of charging him with the property she missed or parted with on 27th November, and P.C. Edwards took both parties to Rochester Row police station, where the officer in charge accepted the lady's charge and refused to take Beck's.

The same evening Harvey and Daisy Grant attended the station and identified Beck as the culprit, Daisy Grant saying, "I believe this is the man, but I should know him if he took his hat off." Beck, with about seven other men put up with him, removed his hat, and then Daisy Grant felt sure. Next day he was charged before Mr. Sheil at Westminster Police Court. According to the depositions, Meissonier's charge was heard first, but, according to the *Morning Adver-*

<sup>1</sup> The entry is no longer extant.

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tiser, Daisy Grant, a "stylishly-dressed girl," deposed first. After they and Detective Watts had given evidence, the accused was remanded without bail.

Many other women, as a result of the publicity given to the case, now came forward.

Of those who testified against Beck, nothing need here be said, but those who saw him and definitely refused or else merely failed to identify him call for consideration. The most important of these women was a Mrs. Cawston, who lived in Warwick Street, close to Victoria, and who was accosted by a stranger in September, 1894, whilst crossing Buckingham Palace Road. The stranger promised to write to her, which he did on the notepaper of the Hotel Belgravia, 72-74 Victoria Street, almost opposite Beck's flat. The envelope and letter, Mr. Vanvert was almost but not quite certain, was in Beck's writing. The bogus draft given to Mrs. Cawston was for £12 15s. on the Union Bank, Pall Mall. There was also a list of dresses. "Mrs Cawston has seen Beck, and she states positively that he is not the man who robbed her."<sup>1</sup> Years later she positively identified Smith, then in custody, under his alias of Thomas, as the man, under the rather pathetic circumstances described by Sir Melville Macnaghten.

With Mrs. Cawston there was living in 1895 a Miss Sinclair, other than the one who gave evidence.<sup>2</sup> This young lady also received an envelope and a promissory note, which Mr. Vanvert positively identified as in Beck's writing. Mr. Vanvert was equally confident about a bill on the Union Bank, Victoria Street, which was anonymously sent to Mr. Sheil. It was for £25, and was dated 16th August, 1894. Another bill on the Union Bank, Pall Mall, Belgrave branch, for the same sum was forwarded, with a list of dresses and a telegram by "a victim" who refused to come forward. Another victim forwarded a cheque on the L. and S.W. Bank at Balham, dated 18th January, 1895. Two bills on the Union Bank, St. James's, for £30 and £25 respectively were dated 26th March and 12th April, 1895. The first was presented by a Mrs. Simpson, the second by a Miss Lockwood. Mrs. Simpson seems not to have come forward, but Miss Lockwood stated that the stranger introduced himself as Lord Wilton, wrote out a cheque identical with that to Minnie Lewis, and decamped with a pair of opera glasses. She identified Beck in custody, and was willing to prosecute.

A Mrs. Lester also received a bill for £40, dated 10th May, 1895, on the Union Bank, Belgrave Mansions. She described

<sup>1</sup> Statement taken by Froest, 22nd January, 1896.

<sup>2</sup> This Miss Sinclair was in South Africa in January, 1896.

## Adolf Beck.

the man who gave it to her as "age about fifty, height about 5 ft. 7 or 8 in., complexion fresh, face full, hair and moustache turning grey, dress black frock coat, bluish-grey striped trousers, silk hat." The stranger took from her a gold bracelet, an ivory brush, and a pair of opera glasses. She identified Beck in custody as the man.

A party unknown received a bill for £25 on the same bank and a list of dresses.

A Miss Elliott received a cheque for £25, dated in April, 1895, and lost a guitar. Julia Alexander received one dated 28th January on the bank at Balham, and Alice Wright another apparently on the same bank. Seven cheques in all were presented on the Balham Bank, and they all came from a cheque book issued to one, Mrs. Gardiner, on 10th November, 1894. The witnesses Miller, Townsend, and Sinclair presented three, and the other four were presented by these women whose cases were not proceeded with.

In 1904 Beck contended that Mrs. Gardiner was, so to speak, "spirited away" by the police. He says—"She has gone under the name of the Countess de Mundi, and she gave the name of Mrs. Gardiner," and "had made a statement against me that I had stolen her cheque book. I insisted upon the woman being brought into Court, but it was not done." Mr. Froest's evidence on this point will appear in the report of the 1896 trial, but I have also the advantage of having a statement taken by Sergeant Allen from Lieutenant-Colonel D. about her and others taken from Mr. Way, a witness from the bank, and Mr. Rogers, a solicitor.

Lieutenant-Colonel D. said that a Mr. S., a solicitor, had been annoyed by the woman, and it was arranged to call upon that gentleman, who undertook to find Mrs. Gardiner if a warrant against her were withdrawn and no action were taken against her for uttering worthless cheques, and he added that she would need £1 ls. subsistence money pending the trial, and that she was, according to his clerk, very nervous of giving evidence. Mr. S. undertook to have her at his office one evening if the Sergeant would call. Mr. Way referred to a Mr. Livett as her reference, when she opened the account, and he was interviewed by Mr. Froest, with a view to tracing her. Mr. Rogers, who had acted for her, described that she was robbed of her cheque book by a man, who met her in the *Daily Telegraph* Office, and took her to some mansions, where she produced her cheque book. The man wrote out a cheque for £100 to purchase clothing, and told her to go out and cash it. Whilst she was away, the man decamped with her cheque book. She described the man to Mr. Rogers as if he were Beck, and said that Mr. Dutton, Beck's solicitor, had

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implored her to keep out of the way. He also added that if the warrant were withdrawn there would be no difficulty in finding her. She never, in fact, was found. The cheque given her was not genuine.<sup>1</sup>

At the second hearing at the Police Court on 23rd December, Mary Harvey, the maid, P.C. Edwards, the constable who took the parties to the station, and Kate Brakefield gave evidence, and Watts was recalled, who owned that two other women, who had been defrauded, had refused to swear to Beck. He appeared again on remand on the 9th, 23rd, and 30th of January, 1896.

Some very material information had meantime reached Scotland Yard from an utter stranger, who wrote reminding the C.I.D., which was not in existence in 1877, of the remarkable similarity of the Smith case of that year to the present charges, but whereas the strangers, who wrote of the similarity of the facts in the George Joseph Smith series of crimes, put the police on the track of the criminal, the well-meaning gentleman who suggested that John Smith and Adolf Beck might be the same man was the unwitting cause of the whole tragedy of errors. Scotland Yard summoned retired Constable Eliss Spurrell and Inspector Redstone, who had respectively arrested and taken the charge against Smith in 1877, and both on seeing Beck were confident that the man in custody was none other than Smith. "There is no doubt whatever he is the man. I know what is at stake on my answer, and I may say without doubt he is the man," said Spurrell. The next step was to submit Beck's admitted writing, the exhibits in the present series of charges and those of 1877 to Mr. T. H. Gurrin, the expert, and he reported that the various exhibits and the admitted writing "must have been written by the same person."

After the hearing on 30th January, Beck, who called no evidence and made no statement, was committed for trial—apparently on 6th February—on ten charges, having been identified by eleven women. Two other women, Mrs. Lester and Miss Lockwood, had also picked him out. Mrs. Cawston alone was certain he was not the man.

In 1904 there was considerable discrepancy between Beck and the police as to the number of women who had failed to pick him out. Beck put it as high as twelve.<sup>2</sup> P.C. Watts admitted that five or six had failed on 23rd January. According to Sir Melville Nacnaghten no less than sixty worthless cheques had been presented at the Union Bank alone, exclusive of the

<sup>1</sup> From 108850/9. There can be no doubt she mistook the man if the evidence of Miller, Townsend, and Sinclair be studied.

<sup>2</sup> Cd. 2315, pp. 115-116.



## Adolf Beck.

seven drawn on the Balham branch of the L. and S.W. Bank.<sup>1</sup> Sir Melville, who in 1896 was Chief Constable of the C.I.D., also said that whereas the description of the swindler by the numerous women robbed varied considerably, the writing on the documents they forwarded never varied.<sup>2</sup>

A list of cases not proceeded with against Adolf Beck contains eleven cases of victimisation by worthless bills or cheques and one case of simple larceny. The women Lester and Lockwood, who were willing to come forward, as has been said, identified Beck. Others who sent their "cheques" to the police could not be traced or would not come forward.

Except the undisguised prostitutes, the victims were most loth to give evidence, so that Mr. Sims, for the Treasury solicitor, addressing the magistrate, said—"Most important witnesses are keeping out of the way," and Mr. Sheil threatened to issue warrants against them.<sup>3</sup>

Mr. Sims also intimated that he had other women he need not call.

Beck was committed to take his trial at the Old Bailey, and, a true bill being found, he came up before the then Common Serjeant, who, as Mr. Forrest Fulton, had prosecuted "Smith" in 1877, on 3rd March, 1896.

Mr. Horace Ivory,<sup>4</sup> with Mr. Guy Stephenson, was for the Crown, and Mr. C. F. Gill,<sup>5</sup> with Mr. Percival Clarke, led for the defence. A happier selection of counsel than Mr. Gill, in whom shone with equal brightness those lamps of advocacy, the lamp of courage and the lamp of caution, could not have been made by Mr. Dutton. Fully adequate as a defender of prisoners in all classes of case, Gill was incomparable in what are known as "West End adventure" cases.

Without anticipating the evidence or the comments it calls for, given at the trial, it may merely be said here that the Treasury briefs concluded—"The exhibits in the case of 1877 have been examined by Mr. Gurrin, who says, as is obviously the fact, that they are in the same handwriting as the documents in the present case, and they will be in Court for reference if necessary."<sup>6</sup>

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<sup>1</sup> *Ib.* 70.    <sup>2</sup> *Ib.*    <sup>3</sup> *Morning Advertiser*, 24th January.

<sup>4</sup> Now Mr. Justice Ivory.    <sup>5</sup> Later Sir Charles Gill, K.C.

<sup>6</sup> That the Press were perfectly aware of the real issue appears from the *Evening News* of 30th January, 1896, col. 3 b. "It is agreed on both sides that the offences which the prosecution are seeking to fix on Adolf Beck were committed by a man who was almost twenty years ago tried for offences of a similar character and sentenced to five years' penal servitude. The peculiar characteristics of the present frauds are identical with those by which this man, under the name of Lord Willoughby, obtained money and jewellery from young women. For the defence it is contended that Smith is still at large and that Beck is not the same individual, but the police are confident that they can connect him with both cases."

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Mr. Avory could elect to proceed either upon a misdemeanour indictment, in ten counts, charging no previous conviction of Beck in the name of Smith in 1877, or upon any one of several indictments for felony and larceny, in which the previous conviction was charged. A copy of the depositions and exhibits in *R. v. Smith* accompanied his brief, which in every line of it assumed the identity of Beck and Smith as beyond dispute and as being the very corner-stone of the whole edifice of the Crown case. Nevertheless Mr. Avory decided to rely only on the misdemeanour indictment. His reasons were, first, that many of the offences charged appeared to him to amount only to misdemeanour; secondly, that "if a man were tried upon one indictment only for a felony,<sup>1</sup> in such a case as this it might be difficult or impossible for him to establish a defence either by way of alibi or otherwise to that particular charge, but if he were tried upon ten different charges giving at least ten different dates, it not only enabled the jury to have the whole case before them, but it enabled him (the prisoner) to prove an alibi or other defence as to any one of those charges."

He admitted having overlooked the fact that he could under 34 & 35 Vict. c. 112, sec. 8, have charged the previous conviction in the misdemeanour indictment. Had he done so, Mr. Gill could not have been deprived of raising his substantial defence—that the crimes of 1894-95 were the work of the criminal of 1877, and that Beck could not be that man.

Accordingly Mr. Avory opened his case without a reference to the earlier and identical crimes of the seventies. It is interesting to note that he applied for suppression of the names of the female witnesses—now so often sanctioned, but the Common Serjeant thought it a novel application and refused it. The judge ordered the witnesses out of Court, but as the women had heard and read one another's evidence in the Police Court and had many opportunities of comparing notes, this made little difference. Only two of the ten women defrauded seem to have had any doubts about their identification—Alice Sinclair and Ethel Townsend. Fanny Nutt, the first victim, of those who came forward, in point of time, and Ottilie Meissonier, an educated and minutely observant woman, whose recognition had occurred under dramatic circumstances in the street, were especially confident. Mrs. Nutt would have "known him among a thousand." The letter to her was on Grand Hotel paper, and the next witness, a smoking-room waiter there, proved that Beck was in the habit of using the hotel stationery. Mme. Meissonier was extremely precise.

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<sup>1</sup> Cd. 2315, p. 132, where the word penalty is misprinted for felony.

## Adolf Beck.

She had noticed the man's red morocco silver-mounted pocket book, his silver-mounted umbrella, his silver matchbox, his hands marked by the seams of his tight gloves, the odd way in which he held his pen, the lining of his overcoat and the coat he wore beneath it—a frock coat in the street, a short coat when he paid his call. In particular she described the mark on the man's right cheek.<sup>1</sup>

Several of the jury said that they could see it. A mark not visible till the collar was removed was pointed out by Kate Brakefield. A warder took Beck below and brought him up with his shirt and collar loose, and then the jury, or some of them, saw the mark described by the witness.<sup>2</sup>

Many other women repeated their evidence, and if any appeared, as two did, to doubt the identity of Beck with the swindler, there were the deadly exhibits, all in the one writing, to show their doubts were ill-founded. Parsons, a prison warder, proved that he found both a mark—"I could not call it a scar"—and a mole on Beck's right side of the throat, and Mr. Chetwynd and Marcus Browne proved that Beck was often in needy circumstances. In some respects the former refuted the women's evidence as to the smart clothing alleged to have been worn by the prisoner, particularly as to the spats and the blue overcoat.

But Detective-Inspector Froest (as Mr. Browne admitted at the Police Court) found white spats and white waistcoats when he searched the prisoner's boxes at the hotel.

Mr. Gurrin gave evidence (in which Mr. Inglis for the defence apparently concurred) that the exhibits were in the disguised handwriting of Beck, an opinion shared by Beck's former secretary, and it was when Mr. Gill sought to raise his defence by cross-examining the expert as to the handwriting of the 1877 exhibits, to show that they were in the same hand as those said to have been written by his client, that the first in a long series of misjudgments occurred. "Mr. Ivory objected . . . ; that was a collateral issue, and should not be inquired into until after the jury had returned their verdict, lest it should afterwards be said that the prisoner had been improperly convicted."

Two observations seem to arise on this. Who was to complain that the line sought to be taken by the defence had

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<sup>1</sup> Mr. Froest thought this only occurred in Brakefield's case, but it seems clear that both women described some mark, though perhaps not the same. Cf. Cd. 2315, pp. 89, 90, 116, 290, 321-2.

<sup>2</sup> Both Sir Forrest Fulton and Mr. Froest agree that the warder found a mark and Brakefield then recognised it. Beck denied that he had a scar, but admitted that in his counsel's presence the warder said he had. See Cd. 2315, p. 117.

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led to an improper conviction? Not the counsel for the defence surely. Again, if the identity of Beck with Smith was a proper subject for inquiry after verdict, why did Mr. Avory object to Mr. Gill going into it then? Mr. Gill asked that the felony indictments be tried. Mr. Avory replied—"His learned friend, practically admitted that his object was to show that the verdict of the jury was wrong. He could be no party to that."

Consequently, a *nolle prosequi* was entered by the Attorney-General, and Beck's defence concealed from all but a handful of reporters to whom Mr. Gill said—"This was a case of a grave miscarriage of justice."<sup>1</sup>

An observation made by Sir John Edge during a session of the committee sums up the matter concisely. "If they (the exhibits of 1877) had been before the Recorder and the jury, and the jury had believed the evidence about Peru, it is impossible there could have been a conviction, notwithstanding all these identifications."<sup>2</sup>

It was admitted on all hands that the exhibits of 1877 were in Court, but no one compared them with the exhibits in *R. v. Beck*. "One can quite understand why they were not looked at, because it never occurred to any one to question that they were all in the same handwriting," said the chairman at the Committee. "It was the last thing I would have questioned," replied Mr. Gill.<sup>3</sup>

The learned Common Serjeant having sustained Mr. Avory's objection, the cross-examination of Mr. Gurrin came to an abrupt end before he had been allowed to complete his statement. In his own words—"The second part of my evidence as to the identity of the 1877 and 1896 writings being identical, and which was manifest to any one, was, I regret to say, not taken." Mr. Gurrin's actual view came to this. The exhibits of 1896 appeared to be in the disguised writing of Beck; but the exhibits of 1896 were indubitably in the same hand as those of 1877. Yet it was considered fair to present only half—the less confident half—of that opinion to the jury, though, as has been seen, the Treasury briefs stated Mr. Gurrin's opinion on the matter, and that the exhibits of 1877 would be in Court for reference. The point Mr. Gill strove to take was brushed aside as irrelevant, without a single reference by anybody to these older exhibits, on which, as was later to appear, the entire case turned. His alibi thus excluded, Mr. Gill was constrained to call his alibi

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<sup>1</sup> Cd. 2315, p. 108.

<sup>2</sup> Cd. 2375, p. 113.

<sup>3</sup> *Id.*

## Adolf Beck.

witnesses as witnesses to character, though as such, they possibly, owing to the lapse of time, did ill service. Mr. Gill, for reasons to be examined later, pressed his real defence no further, and relied on the failure to trace any of the missing articles to Beck, the contradictory evidence of his witnesses as to the prisoner's dress, and on the familiar device of trying to laugh a case out of Court. "A woman in such a situation might be excused if she was a little off her head, for she might well have imagined that the time had come when her charms were to be adequately appreciated. (A laugh.) Such excitement might well interfere with their judgment, and their indignation might well be imagined on finding the romance of their lives exploded."<sup>1</sup> (Laughter.)

Mr. Ivory, in reply, addressed himself to the clothing found on search being exactly as that described, the confident identifications, the foreign accent noticed by most, and he added that "one of them, experienced in foreign languages, stated the accent was that of a Norwegian."<sup>2</sup> He also said—"The expert's evidence as to the identity of the handwriting was absolutely undisputed."<sup>3</sup>

The Common Serjeant began his summing up by saying that "One would have thought a man, whoever he was, who committed these frauds, if he had had a single grain of manhood left, having gratified his own selfish and immoral lusts, would have refrained from resorting to such low and mean artifices." On the whole, his summing up was adverse, and in a few minutes the jury returned a verdict of guilty. It being misdemeanour only, there was no *allocutus*, or calling on the prisoner if he had anything to say, and the Court passed the severe sentence of seven years' penal servitude. Thus ended the first act of this tragedy of errors.

Whatever may have been the impression on his mind in after years, Mr. Sims at the time, in an article in the *Referee* of 8th March, 1896, accepted the verdict and sentence like the rest of the world; in his well-known "Mustard and Cress" columns, he devoted four paragraphs to Beck and his trial. He commenced—"I have known Adolf Beck, the sham Earl, for over ten years. During the whole of that time there was never the slightest suspicion in my mind that he was anything but a cultured and agreeable Scandinavian gentleman. . . . Excellent as was the English he spoke, it was unmistakably the English of a foreigner and his appearance was not that of an Englishman. He might have been a German, a Swede, a Dane, or a Norwegian, but no one would

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<sup>1</sup> *Morning Advertiser*, 5th March, 1896.

<sup>2</sup> *Ib.*    <sup>3</sup> *Ib.*

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talk to him and look at him and say this is an Englishman. Yet most of the women duped seem to have accepted him as an English nobleman."

The real culprit was, as has been said, a German, talked like one, and wrote like one, much more like one than Beck, so that all the pothor raised in after years about there being no possibility of a *bond fide* confusion between the two men rests on a false assumption. A woman who accepted the swindler's capital "T" and "P" and his Teutonic "7" as the writing of an English peer could swallow anything.

## The Convict.

The Common Serjeant having declined to reserve a case upon the point whether he was right in refusing to admit the evidence relating to the conviction in 1877, Mr. Gill, having made the observation recorded above, could do no more, and Beck was removed to Wormwood Scrubbs, and thence to Portland. Meanwhile Smith, or Wyatt, or Myer, who had luckily escaped identification with the convict of 1877, when charged at Bow Street on 13th April,<sup>1</sup> 1894, with a fraud by means of a worthless letter of credit, remained in London during the whole time the Beck case was being investigated, but after the arrest of Beck he attempted no more frauds on women. In 1896 he assumed the name of Dr. Marsh, and carried on a jewellery business in Rosebery Avenue. In August, 1897, he suddenly disappeared, and could only be traced as being back in London at the date of August, 1904, when the same frauds on women recommenced. He had meantime been practising as a doctor in America, as he formerly had in Adelaide.

Notwithstanding that the Common Serjeant, in passing sentence, had stated that he "should treat the prisoner as if he had not been previously convicted," on all the petitions sent up to the Home Office by Beck from June, 1896, to July, 1898, there was endorsed by the Governor a statement of Beck's previous conviction in the name of Smith, although in the very first petition of all sent in by Mr. Dutton on Beck's behalf, the impossibility of Beck having committed the crimes of 1877, when he was proved to be in Peru, was clearly manifested. To that petition no more attention was paid than by marking the minutes thereon "nil." The non-identity of the two men was thus disposed of—"If the prisoner is not Smith, the evidence of his guilt in this case is quite overwhelming," Mr. Gill's absolute alibi as to 1877 was curtly

<sup>1</sup> See the proceedings against him in Appendix III., p. 164.

## Adolf Beck.

dismissed as a clever ruse. Further, Beck was given the convict number DW 523, indicating a previous conviction.

In 1898 Mr. Dutton more than once unsuccessfully applied to see the record of marks, &c., of convict D 523—Smith—to compare them with those of convict DW 523, but this was refused in March of that year, and again in July the Home Secretary, “after very careful consideration of all the circumstances,” rejected Mr. Dutton’s application for permission to call and explain the circumstances. About 25th May, 1898, Mr. Dutton heard that the convict “Smith” was a Jew and as his own client was a Christian, indisputable evidence of their non-identity might be obtainable. As a result of physical examination and comparison of the record of D 523, it appeared that Beck had not undergone circumcision, whereas D 523 had. Their distinctive marks were further compared, but in no very careful manner; this will fall to be dealt with later in considering their physical resemblances.

It being patent to the meanest intelligence that the Gentile DW 523 could not be the Jew D 523, the authorities at last took action. They rose to the occasion; they wrote to the Common Serjeant. They went so far as to say they “believed Mr. Dutton was so far right that Beck and Smith are different persons.” The Common Serjeant’s reply, however, lulled the Home Office again into repose. If Smith were circumcised and Beck were not, they could not be the same person, wrote the learned judge, but with respect to the South American alibi, “I should be inclined to regard it with great suspicion.” It is difficult to assign a meaning to this. There was no question at all that Smith was rightly convicted in 1877. In his petition to the Home Office in 1879, he admits it, but asks for leniency for a first offence. There was thus no question of Beck, wherever he was geographically, being the culprit of 1877. Even if he were in London, he was indisputably not the burly youth chased from Tottenham Court Road to Gower Street on that April day in 1877.

The tone of the judge’s letter implying that the new discovery did not affect the propriety of the conviction, the customary “nil” marked the extent of the Home Office’s perspicacity. Beck petitioned again in December, 1898, referring to the scar described by the witnesses Meissonier and Brakefield. Mr. Froest was asked for his views on this, and he replied in agreement with the judge that there was a scar, not visible when the man was wearing a collar. He added with truth that since Beck was locked up this class of crime had entirely ceased. Beck continued to petition until his discharge on licence on 8th July, 1901. His descriptive marks on release will be considered in due place.

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## The Ticket of Leave Man.

For fifteen months after his release Beck stayed with the Rev. Mr. Jackson, of Whitechapel. In October, 1902, he went to Norway, and on his return took up his abode at the Central Hotel, Percy Street, Tottenham Court Road, until turned out by the manager on hearing from the police that "he was up to his old tricks again." He sought in turn the aid of Mr. Dutton, of Inspector Waldoek, who at one time had shown a friendly interest in his case, and Major Beasley, of the detective branch of the Salvation Army. He has left it on record that Mrs. Townsend, who was dead in 1904, did not recognise him after he came out of prison, and said that "we were almost forced" to identify him, as "there were lots of women who said he was not the man." Eliss Spurrell, who had been so confident as to his identity with Smith, whom he had never seen between 1877 and 1896, failed to recognise in 1901 the man he had sworn to five years before. Mme. Meissonier alone persisted that he "was the man right enough." According to Beck, Mrs. Townsend thrice told Beck that she had been threatened by detectives if she made a statement favourable to him, such as had been drawn up by Major Beasley. Mr. G. R. Sims now actively interested himself in securing the rehabilitation of his Norwegian friend. An unsigned article appeared in the *Weekly Despatch* on 23rd May, 1903, headed "Mistaken Identity—The Strange Case of Adolf Beck—Where is John Smith?" It contains in italics this statement—"One of the chief witnesses, who professed to be most confident of his identity, has now made a declaration that she is satisfied she was mistaken, and that Beck is not the man who robbed her." Readers who could throw any light on the case were referred to Messrs. Churchman & Winsor, solicitors.

After spending several hundred pounds, Beck seemed as far as ever from demonstrating the wrongfulness of his conviction, and would never have done so but for the fact that, in August, 1903, if not before, the same strange frauds began to be re-enacted.

Rose Reece, a housekeeper, out of an engagement, was the first victim of those willing to prosecute in the final series of crimes. They had been continuing for some months, when, towards the end of January, 1894, Beck received an anonymous letter, saying that "the same thing will be coming up against you again. They are working it." He was disgusted and put the letter in the fire.<sup>1</sup> Less than two months later he was again in custody.

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<sup>1</sup> Cd. 2315, p. 125.



# Adolf Beck.

## The Crimes of 1903-1904.

In August, 1903, Rose Reece was near Oxford Circus, when an affable stranger, whose nose was so peculiar that one could not be mistaken about it, she could "pick it out of a thousand," came up and asked for her address. "Silly like" she gave it to him, and a letter in the common form on Hotel Victoria notepaper arrived about a week later. The actual call was not paid until October. There was no variation in style at all from the earlier frauds, only that Mme. Hayward was now the dressmaker patronised by his lordship and Streeter was his jeweller.

A cheque on notepaper, drawn for £74 on the Union Bank, Pall Mall, was given, and Miss Reece did not see the generous stranger again until he was in custody.

On 22nd March in the following year Pauline Scott, who seems to have been a domestic servant, was accosted by a stranger in Oxford Street, who asked for her address, and, obtaining it, wrote appointing to call on Hyde Park Hotel notepaper. In all essentials the fraud was carried out in the familiar way and money was borrowed, as much as a sovereign. The cheque was again written on notepaper. After giving information to the police at Scotland Yard, Miss Scott went by police advice to a restaurant—De Maria's—in Oxford Street that Beck was in the habit of using, and remained there for an hour and a half, whilst Beck was there, without recognising him. According to a statement communicated by De Maria to the *Evening News* of 11th July, 1904, Miss Scott's bill of 4d. she was unable to pay. De Maria added that the women, who charged Beck, tramped up and down in front of his restaurant, where Beck was a daily caller.

On 15th April Miss Scott was instructed by Inspector Ward to stand at the corner of Store Street, Tottenham Court Road, near to Beck's new lodgings in South Crescent. As soon as he came out he could see three people standing on the corner. The woman came up and taxed him with the larceny of her jewellery and money, and Ward took him into custody.

Four other women, including Rose Reece, came and identified Beck in custody. One of these, Grace Campbell, was of a different social class from the others. She swore a deposition, but was too ill to attend the subsequent trial. To her the swindler wrote on the paper of the Albemarle Hotel. In the other two cases, of Caroline Singer and Lily King, the notepaper of the Hyde Park Hotel was used, as in Miss Scott's case.

Beck, on being taken into custody, wired to his solicitor, Mr. Williams, but his defence was afterwards undertaken for

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a while by Mr. Freke Palmer, a solicitor-advocate of great experience. On his advice, Beck reserved his defence and did not give evidence. He was duly committed for trial by Mr. Curtis Bennett, after a dramatic appeal to the press to assist him in establishing his innocence.

Mr. Freke Palmer was obliged to discontinue acting for the defence, funds having run short, and Mr. Williams took over the case for him, instructing Mr. W. H. Leycester, who has for many years been a Metropolitan magistrate.

Although only five women had hitherto come forward, it appeared from the evidence of Mr. Murphy, cashier at the Union of London and Smith's Bank, that no less than twenty or twenty-five bogus cheques on the Union Bank had been recently presented, mostly by women.

In March and April, before the arrest of Beck, Nellie O'Neill and Evelyn Edwards were also tricked, the letter to the former being on the Berkeley Hotel paper, that to Miss Edwards being on Hyde Park Hotel paper. These women promptly identified Thomas when in custody as the culprit; it seems they never attended the Police Court during the remands of Beck, their attention not being drawn to the case till July.

From Beck's arrest on 15th April until 7th July, about ten days after his conviction, crimes of this sort ceased. They recommenced then, but the same evening the real culprit was taken in the act of pawning the rings of the sisters Turner. Truth was at length to prevail.

Violet and Beulah Turner were actresses out of engagements. On Thursday, 7th July, an elderly, well-dressed man called on them as a result of a chance meeting and a letter making an appointment in the common form, "Please expect me to-morrow." He borrowed their rings, stayed about an hour, gave them a list of clothing, and departed. Within a quarter of an hour he was caught in the act of pawning the rings. The girls charged him next day at Bow Street, and he was remanded until 29th July, when Nellie O'Neill and Evelyn Edwards gave evidence. Fritz Glenville, the landlord of the Misses Turner, gave evidence too; the man said he was a German. The most important police witness was Inspector John Kane.

He had been present at both Beck's trials, and as a consequence of something imparted to him by counsel, he had been on the look-out for "Smith" for some time. On hearing that a man was in custody on a charge identical with those of which Beck had just, for a second time, been convicted, he went the same night to the Tottenham Court Road station and saw the culprit of 1877 in custody. Working energetically on the case, he procured Beck's release on 19th July, and by

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27th July Beck had received free pardons in respect of each conviction.

The trials of Beck and Thomas in 1904 can be dismissed in a few words. With scant means at their disposal, the defence never ventured to put forward their real answer to the charge against Beck. Mr. Leycester's explanation was this: he could draw attention to the identity of method of all three series of frauds, but he was unable to prove that Beck and Smith were not the same person. The Treasury assumed them to be. In the Crown counsel's brief it is stated—"This is the third time upon which the prisoner has stood in the dock at the Central Criminal Court charged with offences of a like description. Counsel will find in the session's papers of 1876-1877, p. 58, and 1895-1896, p. 462, a complete account of his past misdeeds and his *modus operandi*."

The defence was merely a matter of cross-examination as to identification and handwriting, supported by the prisoner's unconvincing alibi that he was engaged with a Mr. Gajardo, who was not called, on the dates assigned. A verdict of guilty was easily arrived at. Beck then formally pleaded guilty to a previous conviction—a mere form, although the journalists seized upon it as a crowning infamy in the case. All it meant was that he did not call on the Crown to prove that he was identical with the person sentenced to seven years by Sir Forrest Fulton. Judgment was respited, for reasons that will appear in Sir William Grantham's account of his connection with the case.

There being no August session at the Old Bailey, "Thomas" did not come up for trial until 15th September, when, after pleading guilty, he received a sentence of five years, Mr. Justice Phillimore expressly saying that he put wholly out of account the crimes of which Beck had been sentenced, and assumed merely that Thomas was in old age returning to the wicked practices of his youth. The account given of "Thomas" by Mr. Mathews in his opening speech reveals a career more varied and chequered even than that of Beck. The Jew of Austrian education, if not extraction, helps the heroic Catholic, Father Damien, in his fight against leprosy, and the heroic Moslem, Osman Digna, before the walls of Plevna. He had been a surgeon in the brief and inglorious campaign which ended in Austria's crushing defeat at Sadowa. Successfully practising the healing art in places as remote as Adelaide and Denver, he stands in the dock once more, at the age of 65, pleading guilty to the theft of rings worth 13s.!

He served his sentence until 1908, when he was released. The last photograph of him taken in prison still shows traces

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of the plump sensualist of 1877, the lean and bearded convict of 1881, and the obese voluptuary of 1904. There is still the puffy lower eyelid, the narrow slits of eyes, and the adherent ears. And in each one can notice the slightly-everted lower lip. With his disappearance to the cells on that September afternoon came the breaking of the storm. Ominous preliminary thunder claps had been audible ever since the real "bogus peer" had been caught in *flagrante delicto*.

## The Agitation.

No person, however unwittingly, had more to do with Beck's misfortunes than Mr. F. J. Sims, clerk to the Director of Public Prosecutions, and he tells us in his evidence—"Some time this year after the second conviction—what I may call (I do not want to use the term in any offensive way)—the agitation commenced."

The most popular of the amateur criminologists of the day was Mr. G. R. Sims, and he led the way with a series of articles in the *Daily Mail*, which, though written in good faith, were marred by some notable inaccuracies and innocent misrepresentations.

One will suffice—"The fact that Beck never crosses a "t" while John Smith always crosses his should have sufficed to prove his innocence even to expert Gurrin."

As a matter of fact, Beck crossed the "t" as often as not. In a letter to Mr. Chetwynd, written from the Buckingham Hotel, forty-one out of forty-three "t's" are crossed. Smith seldom omitted to cross a "t," but there is no cross to the "t" in "to-morrow" in the note to Fanny Nutt, nor in the "fifteen" pounds "fifteen" shillings in the bill in her case. And Beck was alleged to be the writer of each.

Mr. Sims' articles were later reproduced in pamphlet form under the title "The Martyrdom of Adolf Beck." They appeared in the popular paper on 15th August and following dates. On 16th August the *Daily Telegraph* entered the lists with an article headed "The Case of Adolf Beck: Its Legal Aspects." It consisted of a republication of Mr. Sims's article in the previous number of the *Referee*, followed by comments by a "distinguished lawyer with an extensive criminal practice." He dismissed the journalistic idea of a "conspiracy" against Beck as "wholly untenable." The worst that "can reasonably be urged against the prosecuting counsel is that they may have been a little over-zealous." "It is possible that in the case of Mr. Beck appeal to such a Court

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(of criminal appeal) might have resulted in the conviction being quashed." The distinguished lawyer was in favour of a departmental inquiry into the case by the Home Office—a veritable appeal from Cæsar to Cæsar!

Next day the *Telegraph* showed signs of bending to the storm. "People," it said, "are no longer talking about mistaken identity simply; the ugly word 'conspiracy' has been introduced—whether wisely or not is another matter—and definite charges are being levelled against the authorities. . . . If Beck was not Smith, the probability of his guilt dwindled to zero. Nevertheless, the Home Office never moved a finger. . . . The public will not rest content until there has been a complete explanation." The papers, both the dailies and the Sunday papers, severely censured the "authorities," who, within a week of the opening of the attack, made the great mistake of an offer to Beck of £2000 as an "act of grace." He was strongly counselled to refuse it, and the *Daily Mail* guaranteed to find him that sum. He accordingly refused the Treasury's offer. On 22nd August the *Telegraph* published some very outspoken views from Sir George Lewis, who acted for Beck at the subsequent inquiry. He rightly ridiculed a Home Office inquiry to whitewash itself. He also concurred with Mr. Sims that to ask an officer, who had been instrumental in obtaining a conviction, to make further inquiries would be asking him to "destroy his own reputation."

On 25th August, *Truth* wrote—"The additional light thrown on the case during the past week only deepens the scandal." It spoke of "what was virtually a conspiracy to hoodwink Mr. Justice Grantham, who postponed sentence to make special inquiries." It spoke of the "Universal demand for an inquiry," and insisted that this should not be a departmental Home Office affair, but be before a judge or an ex-judge.

On 9th September the press informed the public that Mr. Akers Douglas had appointed a committee consisting of the Master of the Rolls, Sir Richard Henn Collins, Sir John Edge, an ex-Chief Justice from India, and Sir Spencer Walpole, K.C.B., to inquire and report upon the two convictions. The Committee began its sittings on 18th October following.

It was over eight years since Mr. G. R. Sims had, on 22nd July, 1896, in an article, which was sent to Scotland Yard, the Treasury, and the Home Office, and was "circulated broadcast," denounced the conviction, concluding with these words, "The only thing is to find John Smith and then the Home Secretary will grant Adolf Beck Her Majesty's gracious

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pardon for a crime he never committed.”<sup>1</sup> Counsel had been instructed by Messrs. Lewis & Lewis on Beck’s behalf, but the Committee refused to hear them.<sup>2</sup>

### The Committee of Inquiry.

As the chairman clearly explained, the Committee were not a Court of Criminal Appeal to rehear the case against Beck, nor, indeed, could they well have discharged that function, since all the female witnesses of the 1894-96 period had disappeared, leaving no trace behind, with the sole exception of Mrs. Cawston, who had definitely said that Beck was not the man. This woman’s testimony was dispensed with, but it would have been of value as showing the physical differences, which enabled her, having seen both the men, to say unhesitatingly which was the true culprit.

The Committee construed its mandate as giving it the largest possible discretion in fixing the limits of the inquiry. Broadly, the fact of two wrongful convictions was conceded; it was for the Committee to apportion the blame—if blame there was—between the Home Office, the Public Prosecutor, the Treasury, including the solicitor and counsel for the Treasury, Scotland Yard, and the subordinate police and the judicial bench. Incidentally, the Committee “desire to record our opinion that there is no shadow of foundation for any of the charges made against Mr. Beck or any reason for supposing that he had any connection whatever with them.”

The witnesses were called to suit the convenience of the more busy and important of them, without any special regard to the advantage of calling consecutively those who could speak to a particular matter or who were concerned to defend or attack anything that had been done. I think, however, that a clearer idea will be obtained by grouping them according to their callings or professions, and as the tragedy of errors began with the perfectly proper taking to Rochester Row station of the prosecutrix Meissonier and the accused Beck by a constable in uniform, it seems better to proceed with the police testimony first.

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<sup>1</sup> I have been entirely unable to trace this article, which Scotland Yard never received, and I believe Mr. Sims to be mistaken in his recollection.

<sup>2</sup> *Morning Advertiser*.

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## The Police Evidence.

P.C. Frederick Edwards, who was the officer on duty outside the Royal Standard public-house (where the Victoria Palace now stands) admitted that Beck was the first to complain, but said that when Meissonier said she was willing to charge him, Beck made no reply. At the station only the woman's charge was taken, and Beck's refused. He said he had never seen the woman before.

Sergeant John Watts, who had been a detective-constable in 1895, was in charge of the Rochester Row station when Beck and Meissonier were brought in. Inspector Pigott was his superior, but he had retired before 1904 and gave no evidence. In July Watts had received Daisy Grant's complaint of having been robbed in a very similar manner, and he went to her address, as taken down in the felony book, only to find she had moved to St. John's Wood. The detective-constable found her and brought her to the station, where in the meantime the servant Harvey had arrived. Watts went into the street and into adjoining shops and collected about seven men who were willing to be put up for identification. Beck made no objection, as he was entitled to do, to the men on the score of want of similarity, saying that he was innocent and he did not mind where he stood. Daisy Grant came in, went up to Beck, and said—"I believe that is the man, but I should know him if he took his hat off." All the men took off their hats, and the woman identified him as the thief. Harvey next came in, and with no means of communicating with the last witness, picked out Beck. Watts searched Beck's flat and found nothing relating to the charge.

Local-Inspector Waldock, who was personally known to Beck, conducted the next identifications; these included Kate Brakefield, who identified Beck on or about 23rd December; Alice Sinclair, Ethel Townsend, Lily Vincent, *alias* Juliette Kluth, and a Miss Johnson, who apparently failed to identify;<sup>1</sup> these women all saw Beck in custody, and the identifications took place on two different occasions in January, 1896, before Waldock retired from the case and Inspector Frank Froest took it over.

On 2nd January Waldock was conducting the identifications, and he put Beck up amongst fourteen or sixteen other men, and told him to place himself where he liked. Beck replied—"I am perfectly satisfied." Alice Sinclair said—"That is as much like the man as any of them. I believe he is the man." Miss Vincent said—"I feel almost sure he

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<sup>1</sup> Cd. 2315, p. 77.

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is the man." Miss Johnson, who was not called, said—"That is as much like the man as any, but I should not like to swear he is the man." Miss Taylor at once pointed to Beck and said—"That is the man, I can swear to him. I have no doubt about his being the man." Beck, when charged, replied—"I have never seen one of the women before to my knowledge, so help me God."<sup>1</sup>

The identification by Kate Brakefield Waldock does not describe, but the mark on the right cheek described at the previous hearing by Meissonier was the peculiarity that induced her to come to the Police Court. She never mentioned anything except to P.C. Jeffreys, who was not called, about the mark, until the trial.<sup>2</sup> On 13th January Inspector Waldock, who had conducted the case admirably, was superseded by Inspector Froest, of Scotland Yard, on the ground that the magnitude of the case made it impossible for a local inspector to attend to it.

He conducted the remaining identifications, which included those of Marion Taylor, Fanny Nutt, Minnie Lewis, and Evelyn Miller. He stated that he chose men as far as possible resembling the accused, that no hint was given to any of the women, and it struck him that the women seemed to have a great deal of sympathy with the accused on account of his age.

All four women identified Beck, under the superintendence of Mr. Froest, but he adds that several others also identified him, but would give the police no particulars of their names or addresses. Two women, according to Watts, had failed to identify at the last hearing in the previous December, and five in all had failed.

The inspector added that an identification in the dock was not regarded as a good one, and would not be accepted unless there were many others. The rest of the evidence relates to the physical marks of the two men.

• Inspector Alfred Ward conducted the identifications in 1904. There had been complaints, and the inspector frankly says—"I came to the conclusion that the person whose arrest was sought was Beck." Accordingly, he told the complainant, Pauline Scott, to go to De Maria's restaurant in Oxford Street, whilst he and another officer waited over an hour outside. Beck was in the restaurant the whole time, but when Miss Scott came out she said she had not seen any one there who had robbed her. Ward next took her—about a fortnight later—to the corner of Store Street, where he had ascertained

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<sup>1</sup> *Ib.*, pp. 85-6.

<sup>2</sup> Cd. 2315, p. 262.



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that Beck lived, and told her "if she saw any one come along the road that had robbed her, to speak to him." Beck presently came out, and he and the woman spoke for "about five minutes," when Ward came up and arrested him. Beck's account varies. He says that the two detectives and the woman were all standing together when he came out, and that the woman came over to him.<sup>1</sup>

The other identifying witnesses were Rose Reece, Caroline Singer, Grace Campbell, and Lily King. Beck was put up with about sixteen or seventeen other men, some older, some younger, and some "as like him as we were able to get" on the first occasion, and each of the three first-named women picked him out, Grace Campbell, the most cultivated of them, being especially precise. She could identify him "back and front, from top to bottom."

King identified Beck amongst seven other men, all prisoners. One woman at a later date failed to identify him; the swindler in her case was "at least six inches taller," which shows that a third man, not being Beck or Thomas, was at work on this class of fraud.<sup>2</sup>

Much having been alleged by Beck and his partisans against the fairness of these identifications, it is well here to interpolate the statement of Mr. Dutton on this point. He had ceased to act for Beck in 1904, but he or his clerk had been present at all the identifications, except, of course, Meissonier's, in the 1895-1896 period, and he says—"It was always fair, perfectly fair."<sup>3</sup> As stated by Mr. Froest, the police cannot compel suitable members of the public to be put up; they have to get whom they can.

The next matter, in which the police evidence is of supreme importance in this case, is as to the physical and distinctive marks of these two men. There, again, the allegation was that they were so different that their non-identity must have been apparent and was deliberately concealed.<sup>4</sup>

The first officer to have anything to do with either man was Eliss Spurrell, who served in the force from 1866 to 1892, when he was pensioned. In April, 1877, he arrested "Smith," then wearing a full beard, in the Euston Road. He was present at Smith's trial, and gave evidence then and at the Police Court. Smith at the time gave his age as twenty-seven,

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<sup>1</sup> *Ib.*, pp. 91, 118.

<sup>2</sup> *Cd.* 2315, p. 92.

<sup>3</sup> *Ib.*, p. 179.

<sup>4</sup> Mr. Frank Froest's evidence that at this date these marks were quite undependable is confirmed by Sir Alfred Wills' account of *R. v. Evans*, tried by him in 1885. See p. 101, *post*.

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but if his statement to Mr. Kane in 1904 was true, he was thirty-eight at the time he first got into trouble.

Smith committed an offence in connection with a letter of credit in 1891, for which he was charged in 1894, but Spurrell never saw him at that time. The next he heard was that, after he had retired, he was asked to go down and see if he could pick out Beck as the man he had apprehended nineteen years before. When he saw Beck, he says, he "was firmly convinced he was Smith." Beck was then beardless. Beck twice called on Spurrell after serving his sentence. On the second occasion, he was wearing a beard, and Spurrell "felt more than ever convinced that he was Smith." But on the first occasion, Beck wore no beard, and Spurrell failed to recognise him as a man he had seen before.<sup>1</sup> The distinctive marks of Smith when released on licence will be dealt with later. Spurrell, on no occasion, emphasised any peculiarity as enabling him to speak so confidently as to the man after so long. Would he have recognised the lean ticket-of-leave man of 1881 as the man he had arrested only four years before?

It was on 13th January, 1896, that the police first concerned themselves with the physical descriptive marks of the two men. That was the day on which Froest succeeded Waldock as the officer in charge of the case, and it was a fortnight before Spurrell gave his evidence of the identity. Mr. Froest wrote for authority to have the marks of expiree Smith and "the man Beck" examined for comparison. The complexion of the expiree, noted as "dark" in 1881, was altered to "fresh," which was also the complexion assigned to Beck, but, the eyes of the expiree were stated to be brown and those of Beck to be blue. These and other discrepancies were withheld from the defence, on the ground that the papers were privileged, and they and the photograph of Smith were not shown to Mr. Dutton, who repeatedly applied to inspect them, alleging his reason, viz., that his client was said to be Smith, which he totally denied.<sup>2</sup>

Questioned as to the alteration in the descriptive marks

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<sup>1</sup> Cd. 2315, p. 149.

<sup>2</sup> The correspondence is set out, *post*, p. 198. Mr. Froest thus explained the alteration in the descriptive marks. The Chairman—"Do you think those emendations were put in by the police at the time or afterwards?"—"It would be handed to the police at the prison." The Chairman—"The presumption is that those emendations were made afterwards on the personal observation of the prisoner?"—"That is so, no doubt, my lord." Earlier in his evidence he had said—"The officer would see the convict about to be discharged; he would see the scar described on the form as the right side, and he would put his pen through that and put it in its proper position."

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of "Smith," Mr. F. J. Sims, chief clerk to the Director of Public Prosecutions, said—"I cannot explain that. That (the amended form) is the document exactly as it came to us." He adds—"With regard to the application for examination of the marks of Mr. Beck, we were never furnished with the result of any examination that might have been made."

Sir Robert Anderson, at the time of the first trial chief of the C.I.D., stated that the refusal to show Mr. Dutton either the photo or the record of "Smith" was in consequence of the Treasury regarding them as "privileged." He said the papers would not be shown to a defending solicitor, except by permission of the Home Office.<sup>1</sup>

Mr. F. J. Sims, recalled, said that his refusal was on the ground that "the matter was not within the province of the Public Prosecutor. It only concerned the Commissioner of Police."<sup>2</sup>

Pressed as to what was "confidential" in the documents asked for by Mr. Dutton, Mr. Sims replied—"I do not know."<sup>3</sup> He said that Mr. Dutton could (as he indeed did) subpoena a witness to produce them at the trial, but as the chairman pointed out, that was a very different matter from inspection before trial.

However, the letter dated New Scotland Yard, 29th March, 1898, signed by Mr. Froest, inspector, and Mr. Swanson, superintendent, shows that at that date the opposition to the production of the papers of the two men came from the police and the major responsibility thenceforth rested with them.

Some two months later, as has been said, the fact of "Smith's" circumcision became known to Beck and his advisers. This, far more certainly than any discrepancy in the rough notes of their descriptive marks, proved the non-identity of the two men. The fact that Beck was not circumcised was established on 18th May, 1898. As we have seen, beyond the removal of the letter "D" from Beck's convict number and a reference back to Sir Forrest Fulton, to whom the discovery seemed in no way material, nothing was done. The police were never informed. Mr. Froest first became aware of the circumcision of "Smith" after his second arrest.<sup>4</sup>

Inspector Waldock, for his own satisfaction, made a physical examination of the marks of Beck after his second

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<sup>1</sup> Cd. 2315, p. 52. The refusal, as the original papers show, were partly based on grounds personal to Mr. Dutton.

<sup>2</sup> *Ib.*, p. 79.

<sup>3</sup> *Ib.*, p. 80.

<sup>4</sup> *Ib.*, p. 90. Cf. Mr. Macnaghten at p. 71.

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remand. Nothing was then known to the police as to the absolute proof that he could not be identical with "Smith," but comparing the official descriptive marks of the expirée with those of his prisoner, Waldock came to the opinion that the two were not the same. "I stripped him and took the marks, and I failed to find the marks. . . . I said at the time I could not see any likeness with Smith. I should report it verbally to Mr. Sims prior to 14th January. Information was given to Scotland Yard that Mr. Beck had previously had five years."<sup>1</sup> Mr. Sims was confident that Mr. Waldock made no such report to him.<sup>2</sup> The Committee preferred the police officer's recollection. "If his (Mr. Sims') recollection is wrong, and we must say that we incline to the latter view, his conduct was, nevertheless, quite consistent with a perfectly honest intention to bring together the necessary materials on which the prosecution was to be based."<sup>3</sup>

Apart from the unsatisfactory circumstances attending Pauline Scott's identification, no allegation was seriously made on behalf of Beck in relation to the police conduct on his second trial. The identifications, though much fewer, were confident. The speedy arrest of the true culprit led to Beck's liberation in a few days. "It is due to the police to point out that Mr. Beck owed his almost immediate release to the intervention of an intelligent police officer," observed the Committee, referring to Inspector Kane.

There remains another allegation to notice—that they withheld from the defence the names and addresses of the women who failed to identify Beck or definitely said he was not the man.

Beck's allegation was in these terms—"There were more women who said I was not the man than who said I was. . . . I believe it was the first time Inspector Froest appeared on the scene. I asked Mr. Dutton for the addresses, and it was refused. I was told by Mr. Dutton that it was refused." Mr. Dutton's evidence was—"On 21st February I wrote to the solicitor to the Treasury—'For the purpose of the defence I shall be glad if you will furnish me with the dates of any similar offences to those alleged to have been committed by the prisoner, other than those which appear on the depositions.' I knew that there were twenty or twenty-five women, whose statements had been taken by the police, and that more than half that number had not been

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<sup>1</sup> Cd. 2315, p. 188.

<sup>2</sup> *Ib.*, p. 193.

<sup>3</sup> *Ib.*, p. x.

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called, and I naturally concluded that they had failed to identify my client. . . . Strange to say, I had no reply." He corrected himself, and added—"On 22nd February I had a reply from Mr. Anderson—"I regret I cannot comply with your request." "

Mr. F. J. Sims, in answer, said he was unaware that Watts had admitted that four women had failed on one day to identify Beck. He stated the police report requesting legal aid did not disclose it, and that the concealment of names was done at the insistence of the women. He handed Mr. Dutton the name and address of every witness he called. Beck asked—"What about those ladies who were there and distinctly said in my presence that I was not the man?" Mr. Sims replied—"Only fifteen statements were placed before us. I called eleven. I was not there at the identification process. I do not know what occurred." Mr. Dutton returned to the charge. "There were many other women known to the police and whom the police had seen . . . who subsequently said he was not the man. I am talking of the women whose names came to the police after Beck's committal." Mr. Macnaghten had spoken, it will be recalled, of no fewer than sixty worthless cheques on the Union Bank alone. The matter was never cleared up. From the list of cases not proceeded with it seems some women wrote anonymously, just enclosing the "cheque" and could never be traced. In its report the Committee omit to notice this allegation.

Beck also charged the police with keeping back Mrs. Gardiner, from whose book the Balham cheques were stolen; as has been seen, they persevered up to a point in their efforts to find her, but neither side could get her to come forward.

### Evidence from the Public Prosecutor's Department.

The Committee, having dealt with the allegations against this department, immediately after acquitting the police of all blame, it becomes convenient to handle this evidence next.

The Earl of Desart at the time of the first trial occupied the position of Public Prosecutor, which in modern times is always held by a barrister who has had a long and large experience in criminal Courts. The noble Earl was not present at Beck's trial, and he left it very largely to Mr. F. J. Sims, who was not a solicitor, to prepare the case and instruct counsel. The Earl was unable to recollect the Peru alibi, when he tendered himself in 1904, but he was convinced that Beck "was the same person as the John Smith who

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was convicted in 1877." The result of the physical examination of the two men, requested to be made by Mr. Sims on the application of Mr. Froest, was never communicated by the directors of convict prisons to the department, so that until the arrest of "Thomas" in 1904 it shared the ignorance of Scotland Yard that the two men had been conclusively proved to be different persons<sup>1</sup>. The director, as soon as the discovery was communicated to him, applied to the High Court for Beck's release on bail, and communicated with the Home Office. It was only a matter of days before Beck was pardoned. As to the handwriting, the Earl said—"I have not seen the letters lately, but I think as regards these Smith documents, the 1877 documents and the actual documents used by the guilty persons in the two later cases were identical. With the assistance of an expert, the documents in Mr. Beck's writing appeared to be the same." Had Beck been indisputably proved not to be Smith in 1896, the Earl did not think he could have withdrawn the case, in view of the number of identifications. He added—"If I had had an opportunity of considering any direct evidence that this man could not have been in the country, the case would have required very serious consideration. I have no right to try a case. I have to see whether a case ought to be tried." The Earl himself never saw the "cheques" nor any of Beck's petitions, and he took no steps as to entering the *nolle prosequi* except to ask that it be stopped if not already lodged.

Mr. Francis John Sims, a civil servant, was the most material witness in this branch of the inquiry. It was, perhaps, to be regretted that one who was not a solicitor, and therefore an "officer of the Court," was doing what was practically a solicitor's duty in prosecuting at the Police Court, in instructing counsel, and in dealing with applications from the "other side" with regard to inspection. No doubt the intentions of Mr. Sims were excellent; his conduct of the case proved to be in the last degree lamentable.

Mr. Sims first came into the case about 26th December, 1895, when Mr. Sheil, having heard the evidence of Meissonier, Grant, Brakefield, and Harvey, wrote recommending the Public Prosecutor to take up the case. On 30th December Waldock, then in charge of the case, came to the Treasury. On 8th January Mr. Inglis, a handwriting expert, who had been in partnership with Mr. T. H. Gurrin, called and inspected the incriminating documents and Beck's admitted writing. He saw no "Smith" exhibits.

On 13th January Mr. Sims wrote to the Directors of Convict

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<sup>1</sup> Cd. 2315, p. 60.

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Prisons, who replied on 17th. The physical descriptive marks of Beck never were sent to the department. When Spurrell so rashly swore to the identity of Beck with Smith, the matter was lost sight of as unimportant. "We were satisfied Beck was Smith."<sup>1</sup>

At the Police Court hearing on 30th January, Gurrin's report was put in. It dealt with the exhibits of 1877 and 1895, and asserted that they were identically the same writing, and that they "were undoubtedly in the handwriting" of the person who had written Beck's admitted letters to Chetwynd and his MS. book.<sup>2</sup> Mr. Gurrin's complete report was handed by Mr. Sims to Mr. Dutton at the Police Court for him to cross-examine upon.<sup>3</sup>

Mr. Sims himself called Spurrell at the Police Court, and, being satisfied with his identification, concerned himself no more with the men's physical descriptive marks. He prepared the briefs of Messrs. Charles Mathews and Horace Avory, which, it will be recalled, concluded with the statement of the previous conviction in 1877, and copies of the exhibits in that case were sent with each.<sup>4</sup> Mr. Frayling attended the trial in 1896, Mr. Sims not appearing to have more to do with the misfortunes of Beck until his second apprehension. He admitted it was "common ground" that the incriminating documents of 1877, 1896, and 1904 were all in the same writing. The only doubt was whether that was Beck's. Had he known in 1896 that Beck was not Smith and could not have committed the 1877 frauds, he would still have gone on with the prosecution in "face of the fact of the positive identification by eleven women."

He did not admit that "we could have done anything differently." Recalled and examined as to the incriminating documents, he said that they were all at the Old Bailey attached to their respective depositions, and would have been exhibited to Mr. Dutton by the clerk of the Court as readily as to Mr. Gurrin, who inspected them on behalf of the Crown; it does not appear that Mr. Inglis or any one acting for the defence did see the 1877 exhibits on which was founded Gurrin's opinion of the identity of the writer of the 1896 with that of the 1877 exhibits. Recalled a second time, he denied that he had ever received Waldock's report to the effect that Beck's marks did not correspond with Smith's. He made a very

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<sup>1</sup> Cd. 2315, p. 53.

<sup>2</sup> See his report, *post*, pp. 193 and 196.

<sup>3</sup> Cd. 2315, p. 54.

<sup>4</sup> Cd. 2315, p. 55.

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significant admission as to the 1904 charge. "I had seen certain articles in the paper challenging the correctness of the verdict against Mr. Beck in 1896, and I was specially careful at the Police Court to introduce nothing referring to that conviction or any past incident of that description"; yet the briefs in 1904, as in 1896, referred to Beck as a previously convicted man, and the briefs were prepared by Mr. F. J. Sims.<sup>1</sup>

With regard to Mr. Sims's refusal to show Mr. Dutton the papers of Smith, to meet the charge in 1896, Mr. Sims sheltered himself under the letter of Sir Robert Anderson of 22nd February, 1896, refusing Mr. Dutton's application, but on that same day Scotland Yard had written that "Mr. Sims, who has conducted the prosecution, suggests that the papers be not produced unless absolutely compelled to do so." A letter in similar terms had been sent on 10th. Sir Robert Anderson, Assistant Commissioner of Police and Chief of the C.I.D., on the other hand, attributed his refusal to allow inspection in 1896 to the fact that the Treasury objected, and "if I were back in my chair with the experience of this inquiry to-day, I should have given the same decision, having regard to the Treasury opinion." His refusal to allow inspection in 1898, he explained, on the ground that that was a matter that could only be considered by the Home Office.<sup>2</sup>

Wherever, in fact, some particular error was inquired into by the Committee, each department contended that the scapegoat must be looked for in some other. It suffices to point out here that Mr. F. J. Sims could have been in no possible doubt as to why Mr. Dutton was so anxious to see the records and papers relating to the expiree; he had plainly disclosed his defence on 30th January at the Police Court. And, whatever may have been the acquaintance with the case at this stage of his chiefs, it is difficult to understand how Mr. Froest can have failed to grasp the reason of Mr. Dutton's repeated applications to inspect.

• *Aliquando bonus dormitat Homerus*, but at this fatal period in the fortunes of Beck, February, 1896, not Homer only but all the great minds that had to consider the matter were asleep. If Beck were Smith, what more likely than that the Home Office would have some of Smith's admitted writing in the form of petitions? As a matter of fact, it had at least two, and had these been compared then and there with both the then existing sets of exhibits, a conviction of Beck would have been impossible. Yet the Home Office was never

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<sup>1</sup> *Ib.*, p. 57.

<sup>2</sup> Cd. 2315, pp. 66, 67.



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approached by the Treasury or the C.I.D. for any of Smith's writing, though Gurrin was much handicapped by having none.<sup>1</sup>

### Evidence of the Prison Authorities.

Only one witness was actually before the Committee on behalf of the prison authorities—Major Clayton. He referred to the Standing Orders as to the insertion of previous convictions in the "grey calendar," which informs the judge of what the prisoner's previous history has been. He went on to say that the Governor at Holloway (now a female prison) would have acted on the evidence of Spurrell at the Police Court as identifying Beck with Smith, "entirely without respect to anything that happened before the judge at the trial." It seems that Beck's name in the grey calendar had an entry of a previous conviction for felony in the name of Smith.<sup>2</sup>

The chairman next took the witness to the examination of "Smith," which established that he was circumcised. The explanation of why this absolutely distinctive mark was not entered in revising the identification marks of Smith on his discharge was that "it has not been the custom to enter it. We never search for that particular mark." It having in this case been searched for at the convict's express request, the reason for not entering it when found would scarcely appear convincing. It also appeared in the course of his evidence that Beck's application to see a solicitor was refused by two directors of Portland Prison and also by the visiting justices. Every petition sent up by Beck to the Home Office up to and including that of 5th July, 1898, contained a statement by the Governor of Portland that Beck had been previously convicted in the name of Smith in 1877, although on 19th May in that year the Governor had written to the Prison Commissioners—"It appears from a statement . . . dated 13/1/79, that John Smith had been circumcised. I requested the medical officer to examine DW 523, A. Beck, and enclose his report, from which it will be seen that Beck has not been circumcised." In other words, with a recent and conclusive test before him proving Beck could not be Smith, the Governor endorsed the petition exactly as if the identity of the men could be assumed as before.

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<sup>1</sup> See his evidence at p. 199 of Cd. 2315. Cf. also what Sir William Harcourt did in the case of *R. v. Evans* (1885), *post*, p. 101.

<sup>2</sup> Cf. Cd. 2315, p. 151, and "The Martyrdom of Adolf Beck," p. 7.

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## Evidence of Judges and Counsel.

The next stage reached by the Committee was described in their report as "a very anxious and difficult part of our inquiry." The honour both of the bar and of the bench had been assailed, and it must be admitted that "the man in the street," after reading the strictures of Mr. Sims, stood in need of enlightenment as to how the vaunted integrity of the profession had so contrived matters that an innocent man was twice convicted without his real defence ever being put before a jury, although the nature of that defence had been disclosed at the Police Court at the time of the first charge. "We are not," said the Committee, "a judicial tribunal, much less a Court of Criminal Appeal." "We are not here in a judicial capacity, and therefore my brother (referring to Sir John Edge) and myself must disengage ourselves from the fact that we do happen to be or have been judges," said the Chairman. One thing is patent—all three, but especially Sir Richard Henn Collins and Sir John Edge, were almost morbidly anxious that no aspersion should be suffered to rest on any member of the legal profession. "No such inquiry could be conducted without compromising the dignity, and therefore impairing the efficiency of any one holding the exalted station such as that of a judge in this country. Therefore, it would be nothing less than a public scandal if any questions in the nature of cross-examination were addressed to a judge," said the Chairman in introducing the Recorder, who had, as Common Serjeant, sentenced Beck in 1896.

One is inclined to comment that, just as no author can be written down but by himself, so no judge can be impaired in efficiency or compromised in dignity, save by himself, and that if a decision of his, repugnant alike to law and to good sense, has consigned a wholly innocent man to penal servitude, any member of the public on whom a like fate may fall has an interest to see that judge called on to justify his conduct, or, failing that, to see that an address is moved in Parliament for his removal. There should be nothing sacrosanct about the judicial office which places it above a healthy public criticism.

Similarly, in introducing counsel, the Chairman, by a few carefully-chosen words, made it appear that counsel appeared by no means in a penitential robe, but rather as an act of grace to explain his share in the case.

The legal witnesses were called to suit their convenience, and Mr. C. F. Gill was actually the first witness of this class. The logical order would appear to be to present the prosecution point of view first, then the defence, and finally the judicial,

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and accordingly I summarise Mr. Horace Ivory's evidence first. He explained his omission to charge the previous convictions in the misdemeanour indictment by saying that he never availed himself of the section in the Prevention of Crimes Act (34 & 35 Vict. c. 112, sec. 8) enabling him to do so, and he was "not sure he was aware of it." He had two reasons for electing to proceed upon that indictment and not upon the felony indictments charging the previous convictions, firstly, that many of the offences seemed to him to be false pretences and not larceny; secondly, that by including all the charges, "giving twenty different dates when the prisoner was said to be identified as being at a particular place at a particular time," it enabled him to prove an alibi "or any other defence" which it "might be difficult or impossible" for him to do if tried on one indictment charging one felony on one date. His objection to Mr. Gill's cross-examination of Gurrin he dealt with thus; he had in his instructions the evidence of Spurrell and Redstone that Beck was undoubtedly Smith, and he himself felt no reasonable doubt he was the same man who had been previously convicted. "As soon as the questions were put with a view of showing that the handwriting was that of Smith, who had been convicted in 1877, I was in this position, that if I did not object to it, that it would go before the jury that the handwriting was that of another man named Smith and not of the accused. I should then have been bound, in order to prevent the jury, as I thought, being misled, to prove that he was the same man who had been previously convicted, and having regard to the fact that not only common law and common fairness, but the statute itself in express terms says that a jury shall not be told of a previous conviction until they have delivered their verdict, it was my duty to prevent the breach of the statute by allowing the jury to be told that he was the same man who had been previously convicted, and it was solely to prevent that that I took the objection to the evidence at that stage. If the judge had ruled that the evidence was admissible, and that the defence must take the risk of what would follow, I should have called the witnesses, who would have proved to the jury that he was the same man who had been convicted. My belief is that if the jury had before them the evidence of those two police constables, positively identifying him, they would have come to the conclusion wrongly, as it now appears, that he was the man previously convicted." The next point was his refusal to accede to Mr. Gill's request to try the felony indictments after the conviction for misdemeanour. Here, again, a technical difficulty arising out of statute law was to prove an insuperable obstacle to the ascertainment of the

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truth. "The very statute which enacted the offence of obtaining money by false pretences contains an express provision that a man shall not be acquitted if it turns out to be larceny, provided, nevertheless, that he shall not be liable to be tried for larceny afterwards upon the same offence. So that I had an express provision of a statute which absolutely prevented me trying a second indictment for larceny upon those same facts. Mr. Gill said, 'I insist upon the other indictment being tried.'<sup>1</sup> I, having this provision in my mind, said, 'I insist that I cannot try them.'"

A *nolle prosequi* was the only way of disposing of the four felony indictments on the file. He went on to explain that if the defence had produced affirmative evidence that the incriminating documents were not in Beck's writing but in that of the author of the 1877 frauds, no objection would have been taken, and he referred to the witness Lamb, who proved that Inglis had inspected the writing on behalf of Beck and was not forthcoming at the trial.<sup>2</sup> He went on to point out that neither Chetwynd nor Kistner were asked by the defence whether they thought the incriminating documents were in a writing other than Beck's. Accordingly he thought the question of the identity of Beck with Smith was "one of those false issues which some people delight in." He warmly repudiated the suggestion of Sir George Lewis that he took the course he did on the Public Prosecutor's instructions. He should have taken the same objection if there had been no indictment charging a previous conviction "to exclude from the jury the fact that he had been previously convicted." He admitted that counsel for the defence could waive the right to have it excluded, and, if he tendered it, the prosecution could not invite the judge to exclude it. "In this case it was in the nature of a warning, my objection was in the nature of a warning."\*

The evidence of the witness as to why he objected to Mr. Gill showing that the author of the crimes charged in 1896 must be identical with the author of the crimes of 1877, which were the same "in every special detail and the documents obviously the work of the same hand" is so important, having regard to the position then and now occupied by this eminent lawyer, that I give it in full in an appendix, together with the learned recorder's statement. Summarised it amounted to this—that he still saw "nothing improbable in two different people committing offences so similar to each other. This kind of fraud is as common as petty larceny. Remembering

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<sup>1</sup> There were four felony indictments.

<sup>2</sup> Inglis never saw the 1877 exhibits. See p. 42 *ante*.

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the way in which these persons gave their evidence and the way in which their identification was not only unshaken but in some instances confirmed in cross-examination by their pointing out things which had not been previously mentioned, my opinion is that, even if that issue of the previous conviction had gone to the jury, the jury would have convicted of the offences in 1896—even if they did not convict on the previous conviction.”

“Do you think,” asked the Chairman, “that justice could possibly be done under those circumstances—that any tribunal could allow a judgment or verdict to stand if the point was laid before a Court of Appeal?” “Well,” replied the witness, “I cannot prognosticate what a Court in the nature of a Court of Appeal would do.” He admitted that the evidence nominally as to Beck’s character went before the jury without their attention being directed to its bearing on the main issue. As evidence of character, this testimony relating to a period fifteen years before was of no value. He could not have objected to Mr. Gill opening that he proposed to call evidence to show that similar frauds were committed in 1877 by a man who wrote in exactly the same handwriting and that Beck was then in Peru, nor did he suggest it was improper for Mr. Gill to broach that defence by his cross-examination of Mr. Gurrin, but merely that he was himself doing his duty in objecting. The Chairman concluded—“But your intervention did not in any way narrow the issues in the case?” The witness—“Not in the least.” The Chairman—“And any ruling which had for its effect to narrow those issues would be a wrong ruling?”

Beck himself next interrogated Mr. Avory as to his having influenced a Mr. Wilkinson, since dead, against him, which the witness warmly denied. The last question was framed by Sir George Lewis—“Whether after the evidence that Beck was in Peru during the whole of the years that Smith was in prison he was satisfied that Beck was not Smith?” The witness—“To ask me what I thought at a particular moment in 1896 about one case of several that I did in 1896 is an impossible question to answer, quite.”

The counsel who actually conducted the 1904 prosecution were Mr. Biron<sup>1</sup> and Mr. Guy Stephenson, Mr. Mathews and Mr. Bodkin<sup>2</sup> taking no part in the case beyond an opening by the latter learned counsel. Mr. Bodkin, however, gave evidence that he had drawn the indictment which was for misdemeanour only, and he charged the previous conviction

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<sup>1</sup> Now Sir Chartres Biron.

<sup>2</sup> Now Sir Archibald Bodkin, the public prosecutor.

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of 1896, and his brief, as has been said, stated that this was the third time Beck stood charged with such offences. A newspaper account in which Beck denied that he was the person who committed the 1877 or 1896 offences accompanied the instructions, but it did not favourably impress counsel. "It was an illustrated paper, which dealt with crimes of a more or less sensational kind."<sup>1</sup>

The witness's view was, according to his instructions, that Smith and Beck were one person, and that was the point of view from which the prosecution was conducted.

Mr. Gill, who had led for the defence in 1896, was the lengthiest witness amongst the counsel. He made it clear that his defence was put forward at the Police Court and was on the depositions; it was that "the prosecution were right in supposing that the offences alleged against Beck had in fact been committed by the same man who committed the Smith offences, and the mistake was in supposing that Beck was Smith, and that it was indicated in the clearest possible way by the cross-examination of Gurrin and Spurrell at the Police Court."

Adverting to the evidence of Sir Kenelm Digby, he said—"I think he has not quite made himself master of all the facts in this case. . . . The prosecution said—'This man who is now charged is the same man who committed identically the same offences on the occasion that Smith was convicted, and the handwriting is identical.' So that the case resolved itself into the question whether the prosecution were right in supposing that they had in custody the man who had been convicted in 1877." He dwelt on the difficulty of establishing his defence with Mr. Beck in custody, and pointed out the impossibility of fully developing the defence before the magistrate. It was the case for the defence that Mr. Gurrin's opinion was so far right that the handwriting of the incriminating documents of 1877 and 1896 was identical. It was "common ground," but the defence said it was "Smith" in both cases, or at least not Beck. It was never disputed or discussed "that the incriminating documents in all the cases were in the same handwriting." The material part of the expert's evidence for the Crown was to show that "notwithstanding apparent dissimilarity, the handwriting, which was the same in all the cases, was the handwriting of Mr. Beck."

Dealing with the question of alibi, he pointed out that there was no difficulty as to the Peru alibi, covering all the years that "Smith" was in prison, but that "it was a very difficult

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<sup>1</sup> Probably Sir Harry Furniss's "Famous Crimes," vol. II., parts 34 and 35.

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thing to prove an alibi with regard to some occasion, or some occasions, over a period of eighteen months or two years, upon somewhat uncertain days, and at uncertain times.<sup>1</sup> "Therefore steps were taken to secure that (the Peru) alibi, and steps were also taken to have before the Court the record of Smith and the documents in the Smith case. . . . The case which the defence was prepared to present was, and which was, I think, presented in the course of the trial, that there was a grave mistake being here committed, and that it was very important that the issue should be tried as to whether this was the man who had been previously convicted."

The identification by the women, said Mr. Gill, was "remarkably positive." So that though "no single article that had been obtained from either the ten women who were called or the twenty-five or thirty women who complained was traced to his possession," the immense amount of feeling with which the women gave their evidence, "becoming more positive as the cross-examination went on," satisfied the jury of Beck's guilt.

Far the most material thing in his evidence was as to why Mr. Gill, having been stopped in his cross-examination of Mr. Gurrin, never strove to force his true defence thereafter.

He first paid a tribute to the fairness of his opponent, Mr. Ivory, and to that of the Common Serjeant, and he continued—"I do not know whether Sir Kenelm quite appreciates that, having been stopped in cross-examination upon a defence that you are desirous of putting forward, it would be rather a strong thing to open a defence in opposition to the ruling of the judge, but if I thought I had the material for doing it, I do not know that I would not be prepared to take the extreme course. My difficulty was I had no witnesses, because my only witnesses were Mr. Gurrin or Mr. Spurrell." He could not, he explained, call the former only to discredit him by some such question as that—"Would you be so confident that the 1877 documents were written by the prisoner if you knew he was then in Peru?"

It is plain Mr. Gill thought that Gurrin and Spurrell together would have caused the jury to discredit his Peru alibi. "Gurrin's evidence would have been—'Yes, the documents in the two cases are identical, but they are both in the handwriting of Beck.' Spurrell would have said—'Yes, the man is now in the dock that was convicted at that time.' So that I was driven of necessity to deal with the case upon the facts."

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<sup>1</sup>In the cases of Taylor, Miller, Brakefield, and Sinclair the first meeting was on a Saturday and the visit was paid on a Sunday, thus lessening an innocent man's chance of proving a business alibi. The selection of a Saturday for the *rencontre* was common to all three series of frauds.

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He continued that it was thought well, notwithstanding, to call the Peruvian alibi witnesses as witnesses to character to enable the Crown to prove that they must be entirely mistaken, as Beck in the name of "Smith" was then serving a sentence of penal servitude, and also to get their evidence placed on record. He referred to the *Daily Telegraph* report of the case as showing that he had asked the Common Serjeant to state a case, and had referred to the result as "a grave miscarriage of justice."<sup>1</sup>

He pointed out that the then state of the law allowed him no way of calling into question the Common Serjeant's ruling. A chairman of Quarter Sessions or a Recorder of a small town could give an unimpeachable ruling and it was idle to go to the Home Office on a ruling or a sentence. He pointed out that the Home Office "had all the material that would enable them to form an opinion" with regard to the defence that he strove to put forward (including the admitted handwriting of "Smith" on his petitions), and the *Times* report disclosed that he had asked for a case to be stated. "As a bald proposition" he agreed that the Common Serjeant and Mr. Avory were right in treating the issue of a previous conviction as collateral, but as it was "directly relevant on the real issue," viz., that no two men could have committed the two series of crimes, and that Beck could not have committed the first, it ought not to have been refused. He explained that he could not call Gurrin as his witness only to discredit him, and his own expert, Inglis, had unfortunately declined to go into the box to oppose Gurrin. He had facsimiles of the 1894-95 documents, but not, he thought, of the 1877 documents.

Sir John Edge—It is a pity you had not seen the originals in the two cases. Mr. Gill—I think we acted on the assumption at the time that the handwriting was identical in both cases.

It appeared that Gurrin's report compared part of one of the Smith documents only with one of the documents in the Beck case.<sup>2</sup> Mr. Gill added—"We did not get an inspection of them (the documents of 1877, I suppose.—Ed.). It seems they were in Court, but "they were never produced."<sup>3</sup> The documents were not before the Common Serjeant "further than appears on Mr. Gurrin's report, that would be the only document in the Smith case that would come directly before the Common Serjeant."<sup>4</sup> All the Smith documents were on the spot as the "defence had subpoenaed every one in whose

<sup>1</sup> See *ante*, p. 25.

<sup>2</sup> Cd. 2315, question 871.

<sup>3</sup> *Ib.*, question 879.

<sup>4</sup> *Ib.*, question 880.



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possession they could be," and at the very moment that Mr. Gill was "proceeding to deal with the Smith documents" the objection was taken, and thus the identity of the writing of 1877 and 1894-96 was never properly before the jury.

Mr. Leycester, who has for some years been a Metropolitan magistrate, was the last counsel to give evidence. He had appeared for Beck in 1904. He explained that lack of funds prevented Mr. Freke Palmer going on with the case or preparing the true defence, which would once more have entailed expensive alibi witnesses from Peru and Sweden. He was not in a position to prove "that Beck was not Smith." He was absolutely ignorant that Smith was circumcised and Beck was not.<sup>1</sup> Mr. Freke Palmer threw up the case on the Recorder's refusal to postpone it. Beck, however, personally applied for a postponement, which the Recorder granted, but cancelled on the application of the Treasury, supported by Sergeant Yeo's affidavit that Beck would never be in a position to provide properly for his defence, and that the witnesses were anxious to leave London. Mr. Leycester never saw the earlier documents—had never up to the time of giving evidence seen them—and Beck's defence was again never heard by the jury. Inspector Ward first told the learned counsel that Smith was circumcised and that Beck was not two days after Smith's second arrest. During an adjournment Gurrin had told him that the documents of the three periods were quite obviously and not as a mere matter of opinion in one and the same writing. It was half-way through the trial, and Mr. Leycester dared not take the risk of bringing out the previous conviction, so that Mr. Gurrin's candour availed the defence nothing. Mr. Leycester paid a tribute to the honesty of Inspector Ward, who offered to take any steps counsel could suggest to clear the matter up.

Sir Forrest Fulton, who had prosecuted "Smith" in 1877, had sentenced Beck in 1896, and who would in the ordinary course have tried him again in 1904, was so vital a witness that his evidence, with his letter to the *Times* in defence of his conduct, must find a place at length in the appendix. Summarised, his evidence comes to this. In 1896 he thought that Beck was "probably not Smith at all," that the two sets of documents were probably not in the same hand, and that Gurrin was mistaken in saying they were. He had never seen the 1877 documents, and though they were then in Court, he did not

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<sup>1</sup> Beck was of course quite aware of Smith's circumcision, and it only shows how helpless a man is without funds that counsel was never instructed as to this or any other really material fact. Mr. Leycester was allowed to remain under the impression that he could not show Beck was not Smith.

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examine them before refusing Mr. Gill's request for their production. He refused to reserve the point, as it did not seem to him a point of law. He put in his letter to the *Times*, and it was read. It amounted to this. From the Treasury not proving the previous conviction or calling Beck's character into question, he assumed they were satisfied Beck was not Smith or that they could not prove that he was. He could not accede to Mr. Gill's request to try the four felony indictments, as the facts were the same, and to postpone them to the next sessions was his only course. Whether an acquittal should be taken or a *nolle prosequi* entered was for the Public Prosecutor to decide. He then dwelt on the facts, and said that Meissonier before him pointed out the mark to the jury. It was a mole. He did not refer to Brakefield. He dwelt on the corroboration of the women to the accused's clothing and his necessitous condition, and on the fact of the smoking room waiter at the Grand Hotel speaking to Beck frequenting it and so confirming Fanny Nutt. He explained his refusal to allow Mr. Gill to cross-examine Gurrin in the following words:—"From Mr. Gill's point of view, Mr. Gurrin's evidence was perfectly worthless as establishing the fact that the same man must have committed the crimes of 1876 and the crimes of 1894. If Mr. Gill was right, and Beck was not that man, Beck was *ex hypothesi* innocent; yet Gurrin had sworn to the best of his belief, having Beck's admitted writing before him, that all the documents in the case before me were in Beck's handwriting. If he was wrong in this, of what value was his evidence as establishing in whose handwriting the Smith documents were? I considered the issue whether Beck had been convicted as Smith in 1877 as wholly immaterial." The identity of method, again, did not impress him. "The probabilities (of the crimes being the work of one man) seemed to me then and seem to me now all the other way." The trial was perfectly fair, the evidence overwhelming, and the verdict the only one possible. The verdict was the same, he added, when in 1904 Beck gave evidence in his own behalf.

One point in his evidence must be noted; he said that he thought at the time Beck and Smith were not the same; yet in his letter to the Home Office of 13th July, 1898, he had written—"I did not investigate the question as to whether he was John Smith, although I have very little doubt that he and Beck were one and the same person."

Mr. Justice Grantham's evidence was given very characteristically. He began by reading his letter to the Home Secretary of 28th August, 1904, and continued that it was news to him that there had been applications for postponement of the trial and that he had already written to the

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Home Secretary to ask why he had not had some communication as to the previous history of Smith and Beck, "but Mr. Douglas said he did not personally know anything about it, and he thought the Home Office did not either." He went on to explain the personal circumstances that led him to exchange the trial of the woman Watson for Beck's, which was in the Recorder's list. He first heard of the duality of Smith and Beck from Mr. Guy Stephenson, but after "the Home Office inquiry" there could be no doubt of Beck's guilt, and the conviction stood. The handwriting evidence did not impress him at all, and he told the jury to disregard it. He felt a doubt if he should leave the case to the jury, but the evidence of de Maria and of Mr. Williams, showing that Beck would not pay debts while in receipt of money, and that a new solicitor, Mr. Williams, took up the defence only in the last week unfavourably affected him, and he "allowed Mr. Beck to be convicted." He saw counsel and Dr. Scott as to the state of the prisoner's mind, and the detectives as to what was known about Beck—these being, of course, officers who *bonâ fide* believed that they had again caught the right man—and he decided, still with misgivings, that he must pass a sentence of a year's imprisonment. If the issue that Beck was not Smith had been before him, it would have entirely altered his view. It was "the most material issue in the case to my mind," and that issue should have been fought before him. "I cannot understand how those who were advising him did not face the difficulty and admit the previous conviction but challenge its justice."

One other observation, wholly remote from the immediate issue, deserves to be rescued from the decent obscurity of a blue book. "Mr. Bradlaugh was one of the most level-headed men ever in that House." Considering the bitter forensic and Parliamentary strife of the speaker and "Iconoclast," that sentence is worth transcribing for those who read not Blue-books or White Papers or even Hansard.

The Committee, anxious as it was to spare the judicial dignity the least semblance of censure, yet felt constrained to record that "the ruling (of Sir Forrest Fulton) cannot be supported," and that "we cannot doubt" that it carried with it the mistrial of 1896. Coming to the second trial, after exonerating both the police and the Public Prosecutor, the Committee opined that "no exception can be taken to anything that took place," and that the second miscarriage of justice was due to the change of solicitor and the inability of Beck again to set up his true defence. This resulted, they thought, from the Recorder's rescinding the order postponing the trial. They added—"But it is a formidable fact that an

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innocent man was<sup>1</sup> convicted through the ignorance of the police and the Public Prosecutor of a material fact which was in the possession of the prison authorities and the Home Office. Possibly the solicitor . . . might have got on the track of the information had Mr. Beck informed him of his application to the Home Office which resulted in his number and mark indicative of previous conviction being changed; but he does not appear to have done so."

### Evidence of Solicitors.

Sir George Lewis, though not formally a witness, in a few words defined his relation to the case. He appeared on behalf of Mr. Beck and had entered into correspondence with the Committee, part of which he had sent to the press. Beck's statement was his own, not prepared with professional assistance. The famous solicitor took little further part in the inquiry, except for a passage of arms with Mr. Horace Ivory, which will be found in Appendix XII., p. 274. Sir George regarded the course taken by the prosecution in 1896 as "open to the gravest suspicion," and added that "it cut away Mr. Beck's entire defence."

Mr. Duerdin Dutton, Beck's solicitor from 1895 until 1898, gave evidence at some length. Four women, he said, failed to identify Beck at the very first hearing in 1895. But it appeared that they believed he was the man. On 31st December, 1895, Mr. Dutton wrote to Mr. F. J. Sims, asking to inspect the incriminating documents, and adding that he had asked Mr. Gurrin for a copy of his report, and had had the documents photographed.

Mr. Sims replied, refusing an opportunity for inspection before the documents were exhibited in evidence, and adding that he had wired to Mr. Gurrin to refuse the request for a copy of his report. More correspondence followed, but Mr. Sims adhered to his refusal to allow the defence a copy of Mr. Gurrin's report.

It was after the remand on 23rd January, 1896, that Mr. Dutton first learned that it was intended to charge a previous conviction. Mr. Dutton's letter to the Treasury asking for particulars of the alleged earlier crime was simply ignored, although he made it clear what issue he would raise in regard to it. "If I am instructed correctly," he wrote, "my client was not in this country during the years 1876 and 1877."

The Treasury duly proved through Spurrell the conviction as Smith in 1877, and then Mr. Dutton "felt he had a winning case." He told Mr. Sims so, and from that moment

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the fact that both sets of incriminating documents were by one man, as Inglis and Gurrin were both agreed, and that that man could not be Beck became "the centre pin of my defence." The witness took all possible steps to trace "John Smith," who he "had no doubt" had committed the crimes, and he also, as has been seen, wrote to the Commissioner of Police for leave to inspect the record and photographs of "Smith," a request that was repeatedly refused. There was no method known to him like discovery in civil actions by which the production of what he wanted could have been forced. He only had copies of the depositions and exhibits in the Smith case, which were no good. Inglis, his expert, only had access to the admitted handwriting of Beck and the exhibits in his case to form his opinion; these he inspected at the Treasury.<sup>1</sup>

Knowing that many women—about twenty-five—had failed to identify Beck in connection with the 1894-95 frauds, he wrote to the Treasury solicitor for the dates of any offences similar to those alleged against Beck, saying "As the object of the Crown can only be to further the interests of justice, I am sure you will not refuse me this information, when I tell you it may enable the prisoner to prove his innocence." He received no reply, and the information was never supplied.

The Chairman pointed out that there would have been some risk in calling these women only to say they were not positive he was the man.<sup>2</sup> As to the identifications, Mr. Dutton differed from his client in stating that these were always "perfectly fair."

Recalled, Mr. Dutton mentioned a very remarkable coincidence. A "cheque" dated 26th October, 1895, had been given to a Mrs. Bird, an actress, living at 5 Stafford Street, where also lived a Mrs. Lawrence, with whom Beck in his own name had some acquaintance. Mr. Dutton could prove that on that date Beck was in Norway, yet the cheque, when examined, turned out to be in exactly the same form and writing as the others. Mrs. Lawrence brought Mr. Dutton the cheque in question.

<sup>1</sup> Later in his evidence he implies that Mr. Inglis did have access to the Smith documents, but, even if that were so, it would not include any of Smith's admitted writing. Gurrin himself did not see that.

<sup>2</sup> Mrs. Cawston was the only woman to be quite confident that Beck was not the man. The police produced her in 1904, but the Chairman did not see fit to call her. Beck, in the course of Mr. Sims' further evidence, expressly said that he had "several women," whom he was ready then and there to call, who would say he was not the man, and that they had said so in his presence. Neither the Chairman nor Sir John Edge, though the *bona fides* of the Treasury was one of the issues before them, desired to hear these witnesses. See pp. 125 and 185 of Cd. 2315.

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The Chairman pointed out that this evidence would not have helped the defence unless it could have been shown that the cheque came into existence on 26th October; otherwise the evidence would have been against them.<sup>1</sup>

Mr. Dutton reiterated that "from the moment the previous conviction was proved, my case seemed to be perfectly clear, and I had only to show where Mr. Beck was in 1877."

Mr. Sims, recalled, and Mr. H. K. Avory, having given evidence to show that the Smith exhibits would have been in the latter gentleman's custody as clerk of the Central Criminal Court, and Waldock having been recalled to contradict Beck's statement that he assisted a woman to identify Beck and to describe his examination of Beck to see if he had marks corresponding to those of Smith, which he failed to find, as he reported at the time to Mr. Sims, the departmental and professional inquiry was concluded, and it remained only to examine Mr. Gurrin, his former partner, Mr. Inglis, who had been retained by the defence, being dead.

Mr. Gurrin's evidence at the trials and at the inquiry requires a detailed scrutiny.

## The Home Office Evidence.

The last department of State whose conduct called for review by the Committee was the Home Office; here, if anywhere, must be found the scapegoat, since the conduct of all the other departments and individuals concerned had been pronounced unexceptionable.

The first witness was Mr. C. E. Troup, in 1904 Assistant Under-Secretary, who had no connection with the case before the year of the inquiry. He briefly recounted the history of the numerous petitions, and then dealt with the all-important fact of the circumcision of Smith, which had been noted in 1879 on his application to change his religion. It was not on Smith's record, but the certificate of the medical officer was attached to the record, and, on report being made to the Home Office, a medical examination of Beck was ordered, which took place in May, 1898, and on the 19th May it was reported to the Home Office that Beck was not circumcised. He went into some detail in comparing the "physical descriptive marks" of the two men, observing that it was noted that "so far as the

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<sup>1</sup> One communication received later by Scotland Yard stated that Mr. Dutton, on pursuing this matter, found he could not establish an alibi as to this date. It does not appear if he got in touch with Mrs. Bird. It is proper to add that Scotland Yard was not inclined to attach weight to this informant's statement.

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description of the marks was concerned, it might be possible to reconcile them . . . but the fact of one man being circumcised and the other not circumcised was conclusive as to their being different persons." Another fact, which had always been on the records, was conclusive. Scars may come and go, but the brown-eyed Smith could never turn into the blue-eyed Beck, and Smith, both in the Portsmouth prison and the Millbank prison forms, was described as having brown eyes.<sup>1</sup> At Holloway, in January, 1896, Beck's eyes were entered up as blue.

Mr. Troup next proceeded to read Mr. Murdoch's unhappy minute of 23rd May, 1898, in which, the facts as to the circumcision being now definitely known, he states he "believes Mr. Dutton is so far right that Beck and Smith are different persons . . . but this does not prove that Beck was not guilty of many offences of the same kind of which he was convicted, though it does prove that the police witness was mistaken."

Mr. Troup next read the highly important letter of Mr. Dutton of 16th May, 1898, in which he wrote—"Reference to the documents in Smith's case shows conclusively that his handwriting and that on the documents produced against Beck is identical. This statement is supported by Mr. Gurrin, who at Beck's trial was called for the prosecution and stated that in his opinion the two sets of documents were in the same handwriting. It is clear, therefore, that the offences committed in 1877 by Smith and those in 1894-95 were all by the same person."

The letter went on to deal with the conclusive nature of Beck's Peru alibi. The only result of these, to any ordinary mind, disturbing applications was, as has been seen, that the "whole of the papers" were sent to Sir Forrest Fulton, with the very notable omission that "the incriminating documents in the Smith case" were not sent.<sup>2</sup> Nor, apparently, were those in the Beck case of 1896. Thus Sir Forrest was, by the Home Office action, entirely prevented from exercising afresh his judgment on the only material issue—Were not the frauds plainly the work of one man, and Beck could not be that man, because, when they began, he was in Peru?

Sir Forrest's reply to the Home Office of 13th July shows how far he yet was from appreciating the force and cogency of the defence he had precluded Mr. Gill from raising, but it is only just to add that if the Home Office had supplied him with the facsimiles, which were in Court in 1896, he could not have penned the letter he did, which effectually closed the door to

<sup>1</sup> In July, 1904, Smith's eyes are described as "hazel."

<sup>2</sup> Cd. 2315, p. 17.

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further investigation.<sup>1</sup> Beyond assigning Beck a new number, not denoting a previous conviction, the Home Office did nothing. It did not even communicate its discovery of the non-identity of the two men to the police.<sup>1</sup>

After speaking as to Mr. Froest's recollection as to the scar on the cheek visible on Beck in 1895-96, Mr. Troup went on to add that the Home Office knew absolutely nothing of Mr. Beck's second arrest until after his conviction. This is indeed amazing, in view of Beck's appeal to the press at the Police Court to come forward and help him and of the already considerable number of newspaper articles that had appeared since the second arrest.

He briefly related the steps taken to release Beck on nominal bail, and it appeared that Mr. Gurrin was largely instrumental in securing Beck's prompt release. He had been shown the letter to Beulah Turner, posted on 6th July, 1904, and he wrote "beyond any doubt this letter was in the same handwriting as the incriminating documents of 1877, 1896, and the Beck documents of 1904." At the same time he withdrew his opinion that the documents were in Beck's disguised writing. Mr. Troup concluded by reading the Home Office minute of 23rd July, 1904, which regarded the innocence of Beck as to the 1904 frauds as "clearly established" and his innocence as regards the 1896 frauds as "established beyond all possibility of doubt."

He was followed in the witness chair by Sir Kenelm Digby, Permanent Under-Secretary in 1896. He began by reading the Home Office memorandum dealing with the practice as regards criminal petitions. Four thousand were received a year, and the long and short of the Home Office statement was that it would not, save in very exceptional circumstances, presume to differ from the opinion of the judge, nor even from that of a recorder, chairman of Quarter Sessions, magistrate or justice of the peace, even if "a doubt is still entertained." Free pardons on the ground that the prisoner's innocence had been established amounted to five in six years, while in the same period there were ninety cases of sentence being remitted, because of some doubt arising as to the propriety of the conviction. A strong opinion of the judge was regarded as final.

He next addressed himself to Beck's case in particular, reading from a memorandum prepared by himself. He covered much the same ground as Mr. Troup, and the official view was, on considering the early petitions, that the evidence of the women was "overwhelming." The fact that the Scandinavian minister did not take up the case, notwithstanding that he had

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<sup>1</sup> Cd. 2315, p. 17.



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called at the Home Office and arranged for a solicitor to visit Beck, also told heavily against the convict.

"Whether or not," proceeded Sir Kenelm's memorandum, "Beck had been previously convicted in the name of Smith in 1877 was not relevant in any way to the case of the prosecution on the indictment on which he was tried. The question was simply whether he was guilty on all or some of the ten counts on which he was tried. I doubt if the records of criminal courts could show any stronger case of proof of identity by direct evidence. None at all events has occurred within the experience of the Home Office. It is unnecessary to dwell on the point that the proof that Beck and Smith were different persons was no answer to the charges against Beck. As regards the point that Beck and Smith were different persons, there was the evidence of the persons who had known Beck in Peru during the period in question, some of whom were actually called as witnesses to character. The conclusion appears inevitable that the defence deliberately abstained from calling evidence on the points referred to. When this course is adopted by counsel of Mr. Gill's experience and ability, the inference is strong that he felt it hopeless to oppose the affirmative evidence at his command to the strong evidence given by the prosecution."

Let us pause to examine this official defence. The women in the case, of course, could not prove the identity of Beck with Smith. None of the 1877 victims were called. Spurrell, who swore to the identity at the Police Court, was deliberately dropped by the Crown at the Old Bailey. Gurrin swore that the writer of the incriminating documents of 1894-95 was Beck, but also was prepared to swear that he must also have been the writer of the 1877 documents, when he was stopped by Mr. Ivory. Inglis agreed with Gurrin. Mr. Gill's Peru witnesses, if believed, established beyond all doubt that Beck was not Smith, and it was no fault of the defence that this was brushed aside by the Common Serjeant as wholly immaterial.

Sir Kenelm took the view that the "evidence which was not in fact given was so material that it could not have been reasonably objected to if it had been pressed at the proper time." He differed from Mr. Gill in thinking that he could have "tendered the evidence when he came to open the defence." Mr. Gill thought himself concluded by the judge's ruling.

Pursuing this matter, the Master of the Rolls asked—"I want to see whether the pith of the matter was really cut out of the case or whether what was dealt with was merely a technical objection. It does seem upon this that Mr. Gill was *in limine* putting forward the first and most cardinal point

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of the defence and was not on the by-issue at all. I do not see that the learned counsel, without violating the ordinary etiquette of the bar, could have sought to tender evidence which would have been in contravention of the judge's ruling."

The witness replied—"I cannot conceive that any objection would have been raised or any difficulty thrown in the way."

The Master of the Rolls proceeded—"You have got this: that two different persons without any evidence from the Crown suggesting any possible collusion at an interval of nineteen years have committed the same crime, not only in principle but in every detail, and, further, have done it in the same handwriting. Which is the more probable hypothesis—that the crimes have been committed by two different persons, or that they are the work of one man?" The witness admitted the probability of the latter, adding—"But you have to compare that with the affirmative evidence the other way."

"As a matter of fact," inquired the Chairman, "did the Home Office at all examine for themselves the incriminating documents?" "No, my lord, they were not examined," was the frank admission in reply.

"At any rate," resumed Sir Henn Collins, "you regarded the conduct of the case as indicating that the defence did not rely upon that" (evidently meaning the non-identity of Beck and Smith and the identity of all the handwriting covered by the charges).

"I believe I so regarded it," answered the witness.

Sir Kenelm went on to deal with the delicate matter of reviewing a judge's decision. If a judge refused to state a case, he thought there ought to be some means to get over his refusal, and he further said that the Home Office would occasionally act in opposition to a judge's views. Recalled, he amplified his answer by adding that if a judge refused to state a case, there ought to be "some power of granting a new trial." And he preferred a review by "some tribunal" to one by an "administrative office."

The witness was not in favour of a Court of Criminal Appeal as we know it; he would not concede a direct right of appeal, but only an appeal by leave of the Home Office. Technical rulings by the trial judge could, he thought, be reviewed adequately by the existing Court of Crown Cases Reserved, and he thought questions of fact, too, should be subject to its consideration.

On the question of costs, he pointed out that either the country or the appellant must pay, and that to the latter might be a very serious bar to a really effective appeal. He was not against a convict having the right to apply to a Court for leave to appeal. At the end of his first examination

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he reiterated his impression that Mr. Gill did not further press for the admission of the evidence the Common Serjeant had shut out, because "it was not really relied on." This view appears from Mr. Gill's evidence to have been without actual foundation, but it was a very natural supposition, when what afterwards turned out to be "a perfect answer to the charge," to use the familiar *cliché*, was dropped by the defence, and the case treated as an ordinary one of mistaken identity, accompanied by a somewhat ponderous effort to laugh it out of Court.

The next Home Office witness was Mr. Charles Murdoch, Assistant Under-Secretary from 1896 to 1903. As will be seen, so far as any one was made a scapegoat in the course of this whitewashing inquiry, it was he. It was his duty to draw up the various minutes on the petitions presented by and on behalf of Beck.

It will be recalled that Mr. Dutton presented a petition, dated 20th May, 1896, and Beck one on 9th June. Both of these were considered by Mr. Murdoch together, after reading a minute on the first made by a subordinate on 1st June, and embodied by him in a minute dated 16th June.<sup>1</sup> It is not a little difficult to decide which minute, as well as the steps taken to form a correct opinion before drawing up the minute, displays less acumen.

The subordinate's minute states that Beck "was identified with one John Smith, who was convicted of similar frauds in 1877, and this former conviction was charged in the indictments." It summarises the argument of the petition that both sets of frauds must be the work of one man, and that man Smith, as Beck was in Peru during the first period, and concludes—"Even if the prisoner is not Smith, the evidence of his guilt is overwhelming. . . . There was also the evidence of Mr. Gurrin as to the handwriting of the forged cheques and its identity with the prisoner's writing."

Mr. Murdoch's comment was "Mr. Gill tried very hard to press the point now put forward that the writing of the cheque was the writing of the man convicted in 1877, and if he had succeeded he had witnesses to prove that Beck could not be the man, as he was out of the country. It was a clever ruse, for how could his witnesses' evidence be disproved."

Before penning this minute it never occurred to Mr. Murdoch to compare the petition of Beck with the two the Home Office had of Smith, and with the incriminating documents in the two cases, which were in the custody of the clerk of the Central Criminal Court, from whom the Home Office after-

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<sup>1</sup> Cd. 2315, p. 276.

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wards obtained them. "I read," he said, "the Sessions Paper and the report of the trial in the *Times* and no other documents."

The witness was much impressed by the failure of the Swedish minister (Norway and Sweden not then being separate kingdoms) to take up the case after calling at the Home Office and obtaining leave for a solicitor to see Beck. The next time the witness's attention was drawn to the case was in 1898, when Mr. Dutton applied for leave to inspect the papers of Beck and Smith. Scotland Yard opposing this request, it was formally refused.<sup>1</sup>

The witness admitted that very early in the case the non-identity of the two men was raised, and that the police were aware of it; yet when the witness saw Frank Froest on 28th December, 1898, some six months after the circumcision of Smith and the non-circumcision of Beck had been brought to the knowledge of the Home Office,<sup>2</sup> he never communicated to that officer the fact which definitely established that Beck and Smith were different men.

The scar, which might well have disappeared between Beck's conviction and his physical examination two years later, was recalled by Froest, who was allowed to continue under his false impression that the two culprits were probably one and the same.

Mr. M. D. Chalmers<sup>3</sup> was the next witness. He related the steps taken to procure Beck's speedy release on discovery of the error and the practice of the Treasury in granting compensation in such cases. He concluded—"The events of 1904 shed a flood of new light on the case; but I believe if I had been at the Home Office in 1896 I should have taken the same view of the case that my predecessor, Sir Kenelm Digby, took."

### The Handwriting Experts.

"Handwriting," observed that most adroit of advocates, Mr. Serjeant Ballantine, "is a dangerous element upon which to rest a case; the evidence of what are called experts is viewed with no great confidence." He proceeds to give particulars of a remarkable case in which he was engaged,

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<sup>1</sup>The correspondence as printed in Cd. 2315 is set out at p. 198, *post*, but the original letter from Scotland Yard, which I have inspected, there contains a passage showing that the refusal to show the papers to Mr. Dutton was to some extent based on personal grounds.

<sup>2</sup>The Governor of Portland prison wrote on May 19 that Smith had been circumcised and that Beck had not, and Mr. Murdoch himself commented on this in his minute of June 29.

<sup>3</sup>Since created K.C.S.I.

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where there was a disagreement of the jury, notwithstanding the "expert" was wholly in his favour, and upon a new trial, calling the same evidence, without the expert, the jury found in his client's favour. Indeed, at common law such evidence was not receivable. In *Doe v. Suckermore*, 1836, Mr. Justice Vaughan having rejected such evidence when tendered, the Court of King's Bench refused to say that he was wrong.<sup>1</sup> In 1854 by the Common Law Procedure Act, and in 1865 by the Criminal Evidence Act, the law first enabled the handwriting expert, who had never seen the writing of the parties before, but who professed from a study of writing in general to give an authoritative opinion upon disputed writing, to be called in civil and in criminal proceedings respectively.

The witnesses with whom we are concerned consisted of two paid professional experts, Mr. Gurrin and Mr. Inglis, and of one or two other persons, who were not called into the box, but were prepared to swear to the identity of the 1895-96 exhibits with Beck's admitted writing.

Of the experts, only Mr. Gurrin faced the ordeal of the witness-box. He had first come prominently before the public in the Southend murder case, in which he gave evidence for the Crown against James Canham Read. Of the impression he then made, some idea may be gleaned from the contemporary newspapers.

The *Echo* of 14th August, 1894, thus reports the proceedings at the local Police Court:—

"Mr. Lamb handed him eight letters, and these he declared were in the handwriting of the prisoner. His most important declaration was that the telegrams he identified were in the same handwriting as the letters of Read. Mr. Warburton (defending) wanted to know if witness had experience and the qualifications of an expert in handwriting. 'Yes,' said witness, 'I have been on Treasury work for quite two and a half years.' 'How many cases have you had?' 'About two or three a week.' 'Where?' 'At the Old Bailey.' 'But there cannot be two or three a week there, you know.' (Laughter.) Mr. Warburton—'Now just look at the *m* of my darling in the letter and then look at *meet* in the telegram. Where is the resemblance?' 'I don't see.' Mr. Warburton—'Nor do I.' (Laughter.) 'Let us try another look at *a* in *darling* and *a* in *table*. Is there the slightest resemblance?' 'No, I don't think there is.' 'What do you call the second loop of *a*?' 'Well, we call it the second limb.' 'Is not the general style of writing in the letters and telegrams generally unlike?' 'Apparently unlike.' 'Are there not enormous differences?' 'Yes,

<sup>1</sup> 5 A. and E. 703.

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between some of the letters.' 'Are not the dissimilarities many and the similarities few?' 'Yes, that is so.' Mr. Lamb (re-examining)—'Are you of opinion they were in a disguised hand?' 'Yes, certainly they were.' "

The *Evening News and Post* of 25th August announced—"A significant circumstance in yesterday's proceedings was the appearance of Mr. C. F. Gill on behalf of the Treasury. It had, however, been expected that the prosecution would be strengthened, as it had become apparent that those hitherto appearing for the Crown were overmatched."

Read was committed for trial, and eventually found guilty upon very strong circumstantial evidence and executed.

The Beck case, originating in December, 1895, was the next one of first-class importance in which Mr. T. H. Gurrin was engaged. He first received from the Treasury in that month the incriminating documents in the charges then pending and such specimens as the police could obtain of Beck's admitted writing. In January of the next year he received the exhibits in *R. v. Smith* (1877), but he never at any material time saw any admitted writing of the man calling himself "John Smith."<sup>1</sup>

Upon comparing the 1877 with the 1895-96 exhibits he found that "the documents in nature, form, and handwriting were so absolutely identical that there could be no possible doubt that they were by the same man." "When I gave my evidence," he stated at the inquiry before the magistrate at Westminster, "I gave my evidence on both points; first, that to the best of my belief the handwriting in the incriminating documents of 1896 was Mr. Beck's; secondly, that the incriminating documents in the 1877 case were beyond any doubt by the same man who wrote the incriminating documents in the 1896 case. . . . During the proceedings I carefully followed the evidence of every witness, and it seemed to me that every particle of the evidence strongly confirmed the opinion I had formed."

Dealing with his evidence at the first trial of Beck, Mr. Gurrin said—"The second part of my evidence, however, as to the identity of the 1877 and 1896 writings being identical, and which was manifest to any one, was, I regret to say, not taken. At the trial in the present year (1904) I repeated the same evidence as in 1896, having, moreover, repeated to the Treasury that there could be no doubt that all the incriminating documents in 1877, 1896, and 1904 were written by one man." A letter written in 1904, after Beck was in custody, having been

<sup>1</sup> Cd. 2315, pp. 198-199.

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shown to Mr. Gurrin, he was astounded to find it in the identical hand that had been used throughout.

He concluded by expressing his deep sympathy in the misfortunes which had overtaken Beck, as, indeed, with one notable exception, did everyone else who had been instrumental in obtaining the convictions.

His 1896 report to the Treasury is not available to me. In his printed deposition appended to Cd. 2315 he says—"I have carefully examined these exhibits. In my opinion they are all in the handwriting of one person. I have also examined Nos. 1, 7, and 8 (Beck's admitted writing). In my opinion these are also in the handwriting of one person. I have compared the two sets, and I have formed the opinion they were all written by one person, one set of course being disguised. I should describe the general character as Scandinavian. There are two styles of writing. One is either vertical or sloping to the left, back-handed; the other has the natural slope to the right. . . . The whole of the documents put to me in this case I have found to be undoubtedly in the same handwriting."

The following extract from the witness's report is also appended:—"I should also add that I have examined at the Old Bailey the exhibits in the case of Smith, *alias* Willoughby, and, having compared the exhibits therein with the bills and cheques in this case, I am perfectly satisfied that they are all in the self-same handwriting—the disguise then adopted is the same as now adopted, and the exhibits in that case must, in my opinion, have been written by the person who has written the bills and cheques in this case."

As has been seen, the defence were refused permission to see this report,<sup>1</sup> and at the trial itself it seems that it was a very perfunctory performance. The learned Chairman thus summarises its contents—"He does append to his report one exhibit only, in which he compares part of one of the Smith documents with one of the documents in the Beck case. I think that is the only one. He gives that specimen that you see (to Mr. Gill). Was that, as a matter of fact, all you had seen yourself? Had you seen anything more than that?"—"No, I saw nothing else."

In comparing the exhibits with the admitted writing of Beck, it is easy to see that a superficial resemblance exists as to certain letters, but as soon as these are compared again with the same letters in "Smith's" petition of 25th June, 1879, the true authorship of all three sets of exhibits becomes patent.

Before proceeding to a detailed examination, one must observe that each sentence, without exception, in the petition,

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<sup>1</sup> See Mr. Dutton's evidence, *ante*, p. 55.

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and each sentence in the letters of assignation, ends with a full stop followed by a dash, and this peculiarity is never once found in the writing of Beck.

The exhibits over the whole period from 1877 to 1904 fall into three groups—first, there is the letter of assignation, then the list of clothing to be purchased, and finally the so-called cheque.

It is not possible either to reproduce or to comment upon any of these, other than those published in Cd. 2315, for the reason stated in the preface—that the Home Office, having borrowed these exhibits from the clerk of the Central Criminal Court, who has the right to their custody, has never returned them and has refused to allow me inspection of them.

Under these circumstances, every presumption in favour of the Committee's view—that no one but a fool, having all the exhibits and Smith's petitions before him, could doubt that there had been a grave miscarriage of justice against Beck—must be made. All the specimens of the two men's writing published in the Blue-book illustrate the observations repeatedly made by the Committee that (in the words of Sir John Edge) "no doubt could be entertained by any one that they were written by the same man."<sup>1</sup>

In form as well as in handwriting the letters of assignation bear a striking resemblance to one another. In 1877, in 1894,<sup>2</sup> and in 1904 one finds the same phrase—"Please expect me." In each case the upward stroke of the "x" of "expect" rises well above the level of the neighbouring short letters, as high or higher than the top of the "t" following. In every "x" we can find of Beck's, as in "exoneration" and "expenditure," the "x" is flush with the surrounding low letters. In the petition of "Smith" the "x" of "extenuating" soars high above the "e" and "n" following, and far above the cross of the "t".

The "T" of "Thursday" in the letter to Turner on Hyde Park Hotel paper has the same tremulous wave as the same letter has in the word "Tuesday" in the note to Mrs. Nutt on Grand Hotel paper in 1894.<sup>2</sup>

The "S" of "Smith" is a wholly different letter from that of Beck. In "Smith's" real and disguised writing this letter has a very pronounced upper loop, but no lower loop; in Beck's writing there is always a lower loop; "Smith," too, begins this letter with a heavy downward stroke of the pen; not so Beck.

Turning to numerals, the "7" in the bills of exchange of

<sup>1</sup> Cd. 2315, p. 200.

<sup>2</sup> This is the only letter of this series of crimes I can reproduce.



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1877, like the "7" in the petition, line/three, is crossed by a slightly ascending stroke. This Teutonic characteristic is not found in the "7" in Beck's letter to Frank Froest. The same "7" occurs in the note to Messrs. Howell & James of 8th March, 1877. Time, in all the exhibits, is invariably written as such and such an hour "o'clock," the writing of this word being most characteristic.

Beck describes time as such and such an hour a.m. or p.m.

"L" is another characteristic capital letter. In Smith's petition and on the bill forms and in the word "Lord" in the note to Howell & James this letter begins with a loop to the right, or inside of the down stroke; this loop, like that of "s," is commenced with a heavy down stroke. Beck's "L" begins with a light loop on the left, or outside, of the down stroke.

An "s" at the commencement of a word in Beck's writing invariably, or almost, connects on to the following letter; in "Smith's" writing an initial "s" is invariably separated by a space from the following letter; note, for example, the words "smallness" and "sentence" in the petition, and the words "sight" and "shillings" in the bill of 19th April, 1877, and the proper name "Singer" in the note of March, 1904, and the days of the week, "Saturday" and "Sunday," therein.

Turning to the lists of clothing, that given, as was alleged, by Beck to Grant in 1895 begins with exactly the same first five items as that admittedly given by "Smith" to Turner in 1904. "Two tailor-made dresses, two afternoon ditto, two evening ditto, one tea gown, one dressing gown." The earlier list, indeed, betokens a minuter acquaintance with articles of feminine wear. The tailor-made garments are there correctly described as "costumes."

Finally, one notes the always characteristic "x" of "extras" in the list given to Turner.

Capital "P" in "Smith's" writing is another test letter. We find it as an initial letter in "Pounds," "Please," "Petition," and in the contraction "P.S." There is invariably in the natural and the disguised writing a looped, Teutonic, vertical stroke, such as is also found in the writer's capital "T." Also, what Mr. Gurrin would have called the upper "limb" of the letter begins with a heavy loop, often so heavy as to cause a blot. A symmetrical loop closes the limb. Nothing of the kind can be detected in the capital "P" of Beck. Capital "W" is another test letter, as indeed is "w." In all Beck's writing the letter is sharp and angular, beginning with a horizontal stroke, before the pen runs finely down to make an acute angle on rising again. In "Smith's"

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the letter has curves rather than angles, begins with a light ascending stroke, runs down with a heavy stroke, and connects, unlike Beck's, with the following letter.

Capital "B" is written by Beck with a loop at the turn of the down stroke; not so the "B" of "Smith," which generally has the Teutonic looped vertical limb; when it lacks this, it is superficially not unlike the "B" of Beck.

The word "charge" as written by the two men well illustrates the rotundity and love of curves and flourishes we find in "Smith's" penmanship, as sharply in contrast with the angularity of Beck's.

The singular "d," which we find in the early letter to Ada Wooding, occurs over and over again in the natural and feigned writing of "Smith"; it is never seen in that of Beck. "To-morrow" is two words always in the writing of "Smith"; one word in that of Beck.

"Smith" writes capital "M" in the reverse way from Beck who makes it simply a small "m" raised in height, as distinct from a sort of inverted capital "W." "Yours" and "Yard" are other typical differentiating words.

To conclude, in the words of the late Master of the Rolls—"It would take an expert to find any similarity between Beck's writing and that of any of the exhibits; the identity of 'Smith's' with them would be manifest to the man in the street."

Mr. Vanverts, the erstwhile secretary of Beck, volunteered to give evidence that the exhibits were undoubtedly in Beck's handwriting, and it is probable that some women would have been able, if willing, to give similar evidence.<sup>1</sup>

As against this available testimony, reinforcing that of Gurrin as given at the Police Court and the trial, the defence were able to produce nobody; their own expert, Mr. Inglis, at one time, it seems, a partner of Gurrin, would not come forward to oppose him; this was partially explained by Mr. Gill, who told the Committee that "Mr. Inglis was in the position of having been seriously discredited, and he was, perhaps, a somewhat nervous man."

At the trial in 1904 Mr. Justice Grantham thought the handwriting expert evidence of very little weight, and told the Committee that he thought the Crown case was weakened by it. Indeed, it made him doubt whether the prosecution were right in their case.<sup>2</sup>

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<sup>1</sup> Cd. 2315, p. 59. From Mr. Vanvert's statement to Scotland Yard it appears that Beck had employed him to write letters of a like kind to ladies, and, as has been said, he was sued in the county court for work of this kind.

<sup>2</sup> Cd. 2315, pp. 209-210.

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At this point we may conclude our summary of the evidence taken by the Committee. The essential parts of its report will be found in Appendix XII., p. 267. To sum up in a few words, the Committee acquitted in turn the police, the judiciary, and the bar of anything approaching remissness. It saw no reason to recommend a Court of Criminal Appeal, believing that a right to compel the Court to state a case would suffice, the miscarriage being, in its opinion, entirely due to the Common Serjeant's refusal in this instance. The only definite implication of censure was upon the minor Home Office official, who had penned the unfortunate minute of 16th June, 1896. The Committee add—"In our opinion Sir Kenelm Digby, owing to the want of legal training on the part of his subordinates, did not receive this assistance in this case, which turned as shown above upon a point of law. This minute is hardly one a trained lawyer could have written."

The Committee having recommended the modest change in the law above stated, made the observation which the concluding portion of this introduction is designed to illustrate.

"Judges, however able, are fallible, and evidence as to identity based on personal impressions, however *bonâ fide*, is perhaps of all classes of evidence the least to be relied upon, and, therefore, unless supported by other facts, an unsafe basis for the verdict of a jury."

When we proceed to review the historic errors of the past of this description, we shall invariably find a large amount of actually admissible testimony, under the law of evidence then and there obtaining, appearing to confirm the evidence of the identifying witnesses, but also in considering, at the bar of history, those other matters, not strictly admissible—it may be for a purely technical reason, such as that the prisoner's wife knew some incriminating facts and could not be called—we shall find that the police and the judiciary, if consulted about the propriety of giving full effect to the verdict, had very good reasons, such as we act on in ordinary life, for thinking that justice had concerned itself with the right man. We shall also find some fatal flaw in the conduct of the proceedings—here the wrongful exclusion of material evidence, with the resulting abandonment of the true line of defence.

In the Lyons Mail mystery a false alibi put forward and abandoned—to the hopeless prejudice of the entire case for the defence. In other cases a true alibi not disclosed until the last stage and consequently disbelieved.

In every case, perhaps, where an innocent man has been convicted by reason of mistaken identity, a blunder of the judge or of his advocate has had as much to do with the

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miscarriage of justice as the honest errors of the identifying witnesses. In this spirit, let us approach the last part of our study of this remarkable case.

## Mistaken Identity Defences.

The exclusion by the learned Common Serjeant of the evidence, to be extracted by cross-examination, that the same man was the author of the 1877 and 1894-95 series of frauds, and that that man could not be Beck, forced the defence to rely upon the much weaker defence, in the particular circumstances, that it was an old-fashioned case of mistaken identity, some man unknown, not in custody, being the culprit.

It is often superficially observed that the finger print and other modern methods of establishing identity in the living have made a recurrence of what happened to Beck impossible. The English practice is to take a man's finger prints upon arrest and to destroy them if he is acquitted or discharged. Thus, in this country, finger prints are only of service as establishing the identity of a suspect with a previously-convicted, as distinct from charged, person. True it is that the method would in this case, had it been in use, have demonstrated, but no more certainly than the circumcision test accidentally available, the non-identity of the two men, but only the chance fact that the Crown put in issue the identity of the two men brought the miscarriage of justice eventually to light.

If a stranger had not written to Scotland Yard, with the result that Spurrell made his honest error, there would have been no Beck case as we know it.

So long ago as the eighteenth century, Sir Thomas Davenport, later Recorder of London, was rendered conscious by an unhappy personal experience, in which he as prosecutor swore erroneously to the identity of the accused on a capital charge,<sup>1</sup> of the danger of relying on this sort of evidence, and early in the last century Bolland, afterwards an Exchequer baron, prosecuted in a case where eleven witnesses swore confidently to the accused woman, who was acquitted owing to evidence for the defence, and subsequently thirteen witnesses swore as confidently to another woman in respect of the same crime—the unusual one of child-stealing.<sup>2</sup>

In this case, it seems, the purchase by the woman first accused of things likely to be needed by a young child was one of the facts apparently corroborating the identification.

<sup>1</sup> See 28 St. Tr. 819, and A.R. 1784.

<sup>2</sup> "Wills on Circumstantial Evidence," 1912 ed., p. 82.

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## I. The Lyons Mail.

Leaving, for the nonce, English cases, it will repay us to consider the historic mystery of the Lyons Mail. Whether Lesurques was entirely innocent of all guilt in the murder of the courier and the sharing of the plunder taken from the boot of the coach, he probably was honestly mistaken for Dubosc, and to that error he owed his shameful death.

About 9 p.m. on the night of 26th April, 1796, the mail from Paris to Lyons was attacked about two miles beyond Lieursaint, some twenty-five miles from Paris. In the coach was travelling a courier named Excoffon, who had in his charge 7,000,000 livres in assignats and 10,000 in specie. These were destined for the payment of Bonaparte's army in Italy. In the boot of the coach were also 5000 in livres and a large sum in assignats for private persons. Another traveller journeyed with Excoffon, his only luggage a sabre; he was a taciturn individual, giving the name of Laborde. Horses were changed at Villeneuve St. Georges, and at Sénart the postillion was replaced. As the coach pulled up at Lieursaint to change horses again a young, well-dressed man in the stable yard mounted his horse and galloped in the direction of Melun, through which the mail would have to pass.

A mile and a half from Lieursaint four cross roads meet, the intersecting roads connecting Pouilly and Savigny, a small bridge spanning the main road at this point. Four mounted men stopped the coach at this bridge. It soon became apparent that Laborde was an accomplice of the horsemen. All five criminals murdered first the courier, then the postillion, and ransacked the richly-laden boot of the coach.

The only abiding interest of this crime is—Was Lesurques one of the four horsemen?<sup>1</sup> If not, how came he to be convicted, there being abundant daylight when the horsemen were observed by the various witnesses?

Assuming there were only four horsemen, Lesurques was mistaken for Dubosc; assuming there may have been five or more, some may have correctly spoken as to Lesurques as being at a certain spot at a certain time, and others as to Dubosc.

Joseph Lesurques was thirty-three years of age, fair-haired, blue-eyed, with a long, pointed nose, a high forehead, perceptibly marked by a scar, and with one finger of the right hand crippled by an accident.

Dubosc is described as a blond, fresh-complexioned, grey-

<sup>1</sup> There was some evidence of the four having been joined by a fifth and even a sixth, as will be seen.

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eyed man of thirty, who, however, habitually wore a wig, generally a chestnut, sometimes a black one, for purposes of disguise.

In social station, and, we may suppose, in dress he was not the equal of Lesurques. He had been a cook in the employ of the Archbishop of Besançon, and was a habitual criminal.

Lesurques was a married man, maintaining a mistress and living somewhat beyond his means, which were about 12,000 to 15,000 francs a year, derived from house property.

The first undoubtedly guilty criminal to be arrested for the crime was Courriol, upon whom were found some of the very notes entrusted to Excoffon. This man never denied his guilt, but he was identified as one of the horsemen by only the ostler at Montgeron; citizen Perraud, who had dined at the inn there when the horsemen called; a woman, Santon, who was a servant there; a farmer, Gillet of Lieursaint, who was not positive; Champeau, the innkeeper there, and his wife—six witnesses in all. Nine swore to Lesurques as one of the horsemen, and purported to take particular notice of him by reason of his having a broken spur, the chain of which was mended with string; just such a spur was picked up on the road near the scene of the murder. Another witness, a woman named Grossetête, deposed to serving Lesurques at another inn at Montgeron with a pipe and tobacco. This woman and the woman Santon recognised Lesurques before he was in custody on any charge, accidentally seeing him while waiting in the office of *juge de la paix*, Daubanton, to whom they volunteered their evidence.

One of the deadliest witnesses, who also swore to Courriol, was Mme. Alfroy, who deposed to seeing Lesurques pass three times before her door with Courriol, both being armed. Lesurques was wearing plated spurs. It was at the inn of her village, Lieursaint, that a man, sworn to as Lesurques by the Champeaus, borrowed string to mend his plated spur.

The prosecution proved Lesurques to have been associating after the crime with Courriol, of whose guilt there could be no doubt, and with Guénot, who was put on his trial but established an alibi; they proved that Lesurques had no passport or identification paper, but that there were found on him two of the latter, one in the name of his cousin, André, the other blank, but bearing the names of the president and secretary of the section, so that it could be filled up at any moment. He was also proved to have associated after the crime with Richard, convicted of receiving the stolen proceeds of the robbery, and with Bruer, who, like Guénot, was acquitted.

Against this formidable mass of testimony his defence was (1) an alibi, (2) his position was such as to render the charge incredible.

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The alibi was that on 26th April, 1796, Lesurques was from 9.30 a.m. to 2 p.m. in the company of one Legrand, a jeweller, of the Palais Royal, that in the afternoon one Ledru, a painter, had dined with him and afterwards walked upon the boulevards, one Aldenhoff being also of the party, and that one Baudart had supped with the accused the same night at his house. Five workmen, whose evidence was scouted by the judge, were prepared to swear that on the same day the accused gave them a gratuity for papering his walls. Finally the mistress of this domesticated man swore that she saw him in Paris on this day, and could not be mistaken, as she saw him every day, but she admitted she did not know the names of the months in the revolutionary calendar, or how many days there were in each.<sup>1</sup>

Aldenhoff had also transacted business with Legrand on the same day, and all the witnesses of repute fixed the date with reference to the business done with Legrand. But when he passed his day-book up to the judge, it became evident that the date originally entered was 27th April, and that some one had deliberately altered it. Legrand withdrew his evidence, and the defence abandoned their alibi.

Nor were the defence much happier in their efforts to prove that Lesurques was a man of such unblemished character as to make the charge incredible. His mistress, who was called to prove that this paragon of virtue was never out of her sight, lax though sexual morality was in revolutionary France, can hardly have assisted in this part of the case. Lesurques, too, could give no satisfactory explanation of how he came to associate with such admittedly bad characters as Courriol and Richard, who were, moreover, in very humble circumstances.

Further, the unexplained circumstance of his having a *carte de sûreté* belonging to his cousin and another in blank must have told against him. Moreover, M. Delayen, *avocat*, who has explored the case thoroughly and impartially, satisfied himself from the juridical records that he was living extravagantly. Mlle. Excoffon, indeed, in a frankly unjudicial account of the case, says that he was deeply in debt, always changing his abode, and that his circumstances suddenly and miraculously improved after the crime.

Thus his conviction is easily understood; was it entirely wrongful? When years later the witnesses, who had so confidently identified Lesurques as one of the four horsemen, were confronted with Dubosc, the women Santon and Grossetête, who had picked out Lesurques when not in custody, refused to recognise Dubosc or to withdraw their testimony. Gillet, the

<sup>1</sup> 26 April was 8 Floréal and 27 was 9 Floréal.

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farmer, and *citoyen* Perraud, who had dined at the inn at Montgeron, and the two Champeaus also would not recognise him,<sup>1</sup> nor, at first, would the woman Alfroy, until a fair wig, resembling the natural hair of Lesurques, was placed on his head in Court, when she collapsed. This woman afterwards became mad.

Well might one doubt that there had been any miscarriage of justice were it not for the fact that Courriol, Durochat (the mysterious traveller under the name of Laborde in the coach), and Roussy, the last to suffer for the crime, all exonerated Lesurques. Dubosc and Vidal died without making any confession. Among the nine (or ten, counting one not called at the trial) who with greater or less confidence identified Lesurques, and six were absolutely certain, there were just those minor discrepancies about the colour of his riding coat which one expects from honest witnesses. Several took minute notice of the horseman's spur and its defective chain. The jury may well have thought that witnesses, who bestowed so much attention upon such a detail, must have observed the man himself with corresponding care, but we shall see that in the English cases about to be glanced at the witnesses, particularly the females, who were most copious and minute as to what the accused was wearing and most confident as to his person, were most unquestionably wrong.

Some writers have maintained the guilt of both Dubosc, who was only convicted as an accessory, and not as a principal, and of Lesurques. Yet another view is based on the testimony of the Champeaus, that there were five or even six mounted men present at the murder, making seven principals in all, including Durochat, and that some of these witnesses, such as Alfroy, saw Dubosc and others Lesurques. The difficulty of this is that three out of the five men, other than Lesurques, who suffered death, exonerated him, though, as Roussy also exonerated himself, his statement goes for little, and it is not impossible that Courriol and Durochat may have been influenced by a motive common among criminals, who know that their own doom is sealed, to bring discredit on the law by proclaiming a judicial murder, and there is some reason to think that Courriol, who had no hopes for himself, may have looked for some assistance for his family from that of Lesurques, if he cleared his memory.<sup>2</sup>

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<sup>1</sup> These witnesses all agreed that Dubosc was smaller, fairer-haired, and less pale than Lesurques, and several added that his features and nose differed. Dubosc's hair, however, was a wig.

<sup>2</sup> These alternative views will be found discussed by two English writers, H. B. Irving at pp. 63, 72, and 81 of "Last Studies in Criminology," and Hugh Childers at p. 226 *et seq.* of "Romantic Trials of Three Centuries."



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## 2. Wreathock and Others.

When we examine the English cases, where the defence has been one of mistaken identity, we shall find a judicial recognition at a very early stage of the necessity of some corroboration of the witnesses speaking to the identity; the best sort, where the crime has embraced robbery, theft, or obtaining goods by false pretences, is the finding of some of the property on the accused's person or in his dwelling. Next to that ranks the finding of some particular article of dress in the accused's wardrobe corresponding with what the complainants described the wanted man as wearing at the time he was in their company or under their observation.

Last of all, there is evidence, which seems a sort of corroboration, until reflection shows that it only goes to support the *bona fides* of the prosecutors, and is in no way inconsistent with their being honestly mistaken.

An early example of this sort is to be found in the Old Bailey Sessions Paper for December, 1735. Dr. Lancaster, a divine, prosecuted five men, of whom two followed the reputable calling of attorney, for highway robbery, one Julian Brown filling the then common rôle of the "evidence"; Brown's evidence was thought to need corroboration, and he having stated that at a certain moment during the attack on the doctor that worthy held up his hands, the prosecutor was recalled and in all sincerity confirmed the evidence of Brown.

This was strangely considered as supporting Brown's evidence; it did so only to this extent, it showed he was there, but not that he was swearing truly as to who were there with him as his partners in the guilty enterprise. All five men were convicted, and Wreathock went so far as to prepare his last dying speech protesting his innocence, but after several respites, a tardy reprieve arrived in May, 1736.<sup>1</sup>

In this case there was, without doubt, a genuine highway robbery committed upon the person of Dr. Lancaster, as dis-

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<sup>1</sup> *R. v. Wreathock, Chamberlain, Russet, Bird, and Campbell*, December, 1735, Williams' "Mayoralty," O.B.S. Thomas Maccray had been prosecuted and acquitted of the same robbery at the July Sessions. The prosecutor was the Rev. Nathaniel Lancaster, chaplain to the Prince of Wales, a cleric much of the same type as Dodd, who behaved with much more humanity in the very similar attack upon him by Griffiths in 1772. By getting five men convicted of H.R., Lancaster became entitled to a reward of £40 a head. Brown was a worthless Italian, well known to De Veil, by whom he had been committed to Newgate. He had the impudence to swear he had only known Wreathock seven months, or a month before the crime, and that Wreathock, an attorney in good practice with a country seat at Fulham, went out on the road with him. Wreathock had plenty of evidence to character, as had the others. To that they owed their lives.

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tinct from one of those manufactured crimes contrived by the "thief-takers" for the rewards and the "Tyburn Tickets." The only question was as to the identity of the assailants.

### 3. Clinch and Mackly.

Half a century later, in the Mayoralty of Watson, two men named Clinch and Mackly were tried before Sir Nash Grose for the murder of Sidney Fryer. Ann Fryer, the deceased's cousin, swore that a few minutes before 8 p.m. on the evening of 7th May, 1797, she was with the deceased walking towards Islington. A man appeared, wearing a silk handkerchief over the lower part of his face, and when within four yards of the witness, shot Mr. Fryer with a pistol. He disappeared over a stile, after robbing her of her money, and another man then appeared, who forced her to part with her cloak. The first man was middle-sized, "rather inclined to be lusty"; the second was a tall man. The witness was taken to see three men detained at the Police Office in Bow Street, and said they were not the men; the first man had a very broad upper part to his face. She could give no description of either man at the time, when taken with her wounded cousin to a public-house. That was from agitation of mind. Before the Coroner it plainly appeared she had said she could not describe the men, but thought they were "both lusty," and that one had a dark-coloured coat on. Both men were in custody when she identified them; they were not taken up in consequence of any description by her, but on some other charge, from which they were discharged.

Four witnesses, husband and wife and two young sons, named Goddard, described two men as being about the spot at the time; all four spoke of one man's hair being red or "carrotty." This man was much the taller; not one of them would say either of the accused was one of the men, but one of the young boys said, "I believe Clinch to be the man I saw in the lane—a short, thick-set man." Mrs. Goddard and one of her sons were confident that the short man wore a light waistcoat.

Harper, a police officer, described the identification by Miss Fryer as direct and positive; they were sitting among a number of other persons detained at a police office.

None of the stolen property was found on them, and only a little money.

Blackiter, another officer, swore to a conversation, when no one else was present, with Clinch when in custody, and the latter said it was going to be a bad business for him and made other observations, which an experienced officer, with

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a full knowledge of £40 rewards and so on, could make resemble an admission of guilt.<sup>1</sup>

For the defence, Rice, who kept the public-house, said Miss Fryer could not tell at all what kind of people they were who had murdered and robbed her cousin. She believed they were three young men; as the patrol was then arriving they tried to get her to describe the men, that they might be at once taken in the neighbourhood. She believed they had something over their faces and darkish-coloured coats. She at no time described either man as wearing a light waistcoat.

Sir Nash Grose, after explaining the law to the jury, where two men go out to commit felony and one commits murder in the course of it, proceeded to ask the jury if they thought there was corroboration here. He referred to the evidence of the Goddards, but seems not to have cautioned them about the statement alleged to have been made to Blackiter. He asked them whether, in the circumstances, they could have expected clearer testimony from Miss Fryer. After half an hour's deliberation, the jury brought them both in guilty, and they were executed. Years later Burton Wood, executed on Kennington Common, and Timms, executed elsewhere, confessed at the "fatal tree" that they were the murderers.

Here, it will be seen, there was no corroboration from the finding of stolen property, and not nearly enough as to person or attire to satisfy all reasonable doubt, unless the jury gave weight to the alleged admission to Blackiter.<sup>2</sup>

### 4. R. v. Robinson.

In 1824 occurred a much more remarkable case. A youth of seventeen named Robinson was charged, before Mr. Justice Burrough, with larceny from a dwelling-house to the value of £4 12s., a capital felony. Lucy Denham swore—"He is the person; I have no doubt or I would not swear it. It was on 26th May, at 9 to 10 p.m. I ran up to him and accused him of it at 8 p.m. on 8th June last in Cleveland Street."<sup>3</sup> She was, like all the female witnesses against Beck, very minute as to the accused's dress. Ann Denham swore—"I know the prisoner; I have seen him pass our door seven or eight times.

<sup>1</sup> Such evidence was admitted on the trial of Wood for the murder of Dimmock and of Field and Grey for the murder of Irene Munroe at Eastbourne, but the temptation to a police officer, who believes in his case, to warp the statement made to him ever so little is great. For a prisoner to say "this is going to be bad for me" is in itself nothing. In the Eastbourne case the conversation took place with another prisoner.

<sup>2</sup> See O.B.S.P., Watson's "Mayoralty," case 360, and Paris and Fonblanque's "Medical Jurisprudence," iii., 144 n.

<sup>3</sup> Cf. Meissonier's identification.

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I am positive on my oath as to his person." H. Fenner said—"I believe he is the person."

On evidence of character and an alibi, the prisoner was acquitted. He was then charged on another indictment with larceny in a shop to the value of ten shillings, another capital felony. S. Dolby swore—"On 1st May, at 11 a.m., prisoner came into my shop. I have not the least doubt of his being the man." The missing property, books and the like, were not found on the prisoner or at his abode. Charlotte Dolby swore—"I saw him twice, at 11 a.m. and again at 8 p.m. I have no doubt whatever of his being the man. I watched him all the time he was in our shop." The prisoner could not in this instance prove an alibi, but relied on his character, and on the defence of mistaken identity, urged, of course by himself, since his counsel could not speak for him. He was found guilty, but respited. He was next tried before Mr. Justice Gaselee<sup>1</sup> for larceny. Elizabeth Clifton swore—"I cannot be mistaken. I am certain he is the man." The hour of the offence was 8.30 p.m. on 3rd May. W. Biles swore—"He is very much like the man I saw. I might mistake him for another person who came into my shop." In this case Robinson could establish an alibi and was acquitted.

He was next tried for larceny in a dwelling-house on 8th June at 3 p.m. Ann Marchant swore—"I am positive he is the man." She was, as female witnesses in these cases always are, very minute in her description of his clothes. There was no alibi available this time, but the prisoner proved, through witnesses, that he was never known to wear such clothes. He was acquitted.

He was once more tried for larceny of ten shillings on 29th April. Veck swore—"I am positive he is the man. He had a peculiar twitch with his mouth. He wore a dark olive or puce coat, a light waistcoat, a small key to his watch ribbon, and light-coloured trousers which I think were cloth."

Here again the minute particularity of the witness as to dress came to the prisoner's aid. He proved he never had such clothes. Gaselee and Burrough, J.J., recommended him for a free pardon in respect of his one conviction. The real culprit was soon afterwards caught.<sup>2</sup>

<sup>1</sup> Stareleigh of *Burdell v. Pickwick*.

<sup>2</sup> O.B.S.P., Waltham's "Mayoralty," cases 1167, 1170, 1209-11. Cf. Wharton on "Criminal Evidence," s. 808. These cases will be found in Wills on "Circumstantial Evidence," but the late Sir Alfred Wills, though dealing with the Gorse Hall murder about to be noticed, nowhere mentions Beck's case. Another resemblance may be noted: just as the witness Reece swore to Beck's peculiar nose—one in a thousand—in 1904, so Veck swore to the peculiar twitch of the mouth. Now all this took place in the face of the jury who could see and judge for themselves.

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Here we at once see resemblances to Beck's case. An innocent man is stopped in the street by a *bond fide* and confident prosecutrix. The police, having the man in custody, naturally bring other folk, who complain of having been robbed, to see him. They pick him out with varying degrees of confidence, the women, however, having no doubts and only becoming more cocksure under cross-examination; his clothes are minutely described by several witnesses. Here fate is as kind to Robinson as it was harsh to Beck.

Robinson had not such clothes; Beck wore the same white vest slip and spats, the same patent boots and frock coat, as "Smith." Moreover, unhappily, he had no alibi, and his witnesses to character could only damn him by saying he had known reputable people many years before, but they could say nothing of him now.

If Robinson had had the same sort of wardrobe as his double, if he had been unable on any occasion to prove an alibi, if his character had not been sworn to by persons with recent knowledge of him, who can doubt but that he would have been hanged?

### 5. Edmund Pook.

The mysterious case may here be mentioned of Edmund Pook, tried in July, 1871, for the murder of Jane Maria Clousen on the preceding 25th April. It will be found at large in the O.B. Sess. Papers, vol. 74, pp. 245-309. Sir John Coleridge, S.G., Poland, Archibald, and Beasley were for the Crown; Huddleston, Q.C., Harrington, and Besley for the defence. The judge was Sir William Bovill, L.C.J., of the C.P. A very condensed report of the case, favourable to Pook, will be found in "Wills on Circumstantial Evidence" (1912), pp. 299-301.

The deceased girl was seventeen years old, and had been in the employ of the prisoner's father at Greenwich, where the prisoner also lived. She left that service on 11th April, being then about two months pregnant. She was seen alive at 6.37 in the High Street, Deptford, by Mrs. Fanny Hamilton, to whom she said that she was on her way to meet the prisoner. A Miss Prosser was also informed on Sunday, 23rd April, of this appointment with Pook, by whom the deceased girl told the witness she was in trouble.<sup>1</sup> This material evidence, refuting the prisoner's alibi and establishing motive, was ruled

<sup>1</sup>The *Times*, 5th May, 1871, 11.a. As Bovill, C.J., pointed out, if this Mrs. Hamilton were correct, Laysell, who spoke of seeing prisoner at a spot 3 to 4 miles off at 6.50, must obviously be wrong.

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inadmissible, as not part of the *res gestæ*, by Bovill, C.J., on Huddleston's objection.<sup>1</sup>

At 4.15 a.m. on 26th April Jane Clousen was found dying in Kidbrook Lane with her head beaten in. Mr. Harris, of Guy's Hospital, described the wounds, and stated that she was two months advanced in pregnancy.<sup>2</sup>

On 27th April a hammer, with bloodstains and adherent hair, was found near the scene of the murder, by a witness, T. Brown, in the direction of the house of Pook. A metal whistle, similar to one the prisoner was proved to use, was also found quite near.

Sparshott, an ironmonger, proved that the prisoner called at his shop in Deptford about 8.30 p.m. on 24th April, to purchase a small axe for some theatricals; the prisoner rejected the one shown as too dear, and was referred to a Mr. Thomas. There was plenty of gas burning, and Sparshott picked out the prisoner at the station among a dozen men. Prisoner wore a dark coat and a black, soft-crowned hat.

Witness was doubtful if he described prisoner's trousers as light or not. He did not know prisoner previously.

Mrs. Sparshott, his wife, never saw the man's face, but noticed his "round, little hat."

Renneson, fourteen years old, employed by Sparshott, swore the man wore lightish trousers, a coat with hip pockets, and a little round black hat, with a rather wide brim.

Alfred Sparshott, son, described the hat as round, black, tumbled in at the crown, but could not describe the man, and described the trousers as light.

Perrin,<sup>3</sup> comedian, had known Pook three or four years, and saw him come on the night in question from Sparshott's shop, wearing a billycock hat, a soft one, about 7.45 p.m. Prisoner asked witness to have a drink, but witness had to catch a train at 8.3 p.m.

Cross-examined, he said he had been twice fined, but the second time he served the alternative fourteen days; might have been convicted at other times. Did not say, "I don't know. I think that is the man." Said "That is the man, to the best of my belief." His credit was much shattered in cross-examination.

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<sup>1</sup> O.B. Sess. Papers 74, p. 250. Of course Bovill, C.J., was quite right in law.

<sup>2</sup> The *Times*, 5th May, 1871, 11 a. P.C. Gunn, who found her, testified that she was only able to say—"Oh, my poor head. . . . Let me die," before lapsing into unconsciousness, from which she never recovered. This indicates a much later hour for the assault than the prosecution relied on.

<sup>3</sup> The jury stopped Huddleston for the defence, saying they disbelieved Perrin.

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Kirkby, paperhanger and decorator, confirmed Perrin's account of his movements.

Sellis confirmed last witness.

Lydia Cavell noticed a young man, attired in light trousers, a dark coat, and a low, round, dark hat come into Thomas's shop some time after 8 p.m. on 24th April.

Mrs. Thomas proved the sale of a hammer like that produced on 24th April.

Mr. Thomas gave similar evidence; neither could identify Pook.<sup>1</sup>

Norton, coachman, saw a young man and woman in Kidbrook Lane on 25th April. Then heard two or three screams, and saw the man running fast towards Kidbrook. He wore a dark coat. Witness would not know him. Thought the screams were uttered in fun, not in anguish.

Louisa Putnam was with last witness. She said the man was dressed in dark clothes and a low hat.

Cronk, gasfitter, saw a young man and woman in Kidbrook Lane. Heard the woman say, "Let me go." Thought she added "Charley." The man had a dark frock-coat and billycock hat. Witness picked the prisoner out among fifteen or twenty men.

P.C. Ovens found a common metal whistle fifteen yards from the body at 9 a.m. on 26th April. He reported it to the station sergeant. It was not entered in the station book of things found.

P.S. Wills received the whistle from last witness at 11 a.m. on 26th April. Did not know why it was not entered in the occurrence book.

P.C. Tilbrook did not enter the whistle as he considered it of no importance. He knew it was found near the scene of the murder, but did not connect it with it.

P.S. Haynes corroborated him.

D.I. Mulvany gave further evidence of little importance as to this. It was a common whistle.<sup>2</sup>

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<sup>1</sup> Wills says the defence called the only purchaser of a hammer at the shop that day, and in the *Times* of 17th July, 1871, 12 a, Bovill, C.J., is reported as saying—"It now appeared abundantly that it was a boy named Elliott who bought the hammer to which Conway referred." (Conway was called before the magistrate, but abandoned by the Crown at the trial.) Elliott proved buying a hammer, which he had still got, on which were his initials on 22nd April.

<sup>2</sup> Mulvany had given at an early stage the formal evidence of arrest, &c. The prisoner at once disclosed his alibi as to 24th April—that he was in Lewisham with his brother, and that he had an appointment to meet a lady there on the 25th. It is to be noted that Huddleston did not put it to Miss Durnford that she was the young lady. Prisoner also said at once that he had seen Fange, his father's boy, delivering a parcel at Lewisham about 8 p.m. on 24th April.

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Alice Durnford knew the prisoner. She had seen him use a whistle "something like" the one produced. He also had a bone whistle. She was not expecting to meet the prisoner before Thursday, 27th April.

John Barnes, pawnbroker, knew prisoner to speak to and saw him on 25th April at the corner of Circus Street, Greenwich, about 9 p.m. He did not speak to him.

Priscilla Billington was with last witness and confirmed him. She knew Pook by sight. He was running, and red in the face.

Ellen Playne<sup>1</sup> had known prisoner eighteen months. She saw him about 8.30 or 8.45 on 25th April in Royal Hill,<sup>2</sup> running. He told her he had run from Lewisham Road. She knew prisoner had fits.

Ann Billington confirmed the last witness, but put the time at 8 to 8.30. Prisoner asked for a brush to brush the mud off his clothes. The streets were very dry indeed.

Dixon, who knew the prisoner, saw the prisoner leave Mrs. Playne's shop about 9.15 to 9.20.

Layzell only knew prisoner by sight, and saw him with a young woman in Kidbrook Lane about 6.50 on 25th April. He passed him quite close. Witness picked him out at the station. Witness also gave evidence as to the finding of a blood-stained duster. Whether it was really blood was never proved, nor was it connected with the prisoner.

Mary Love and Alice Langley proved that prisoner told them on 23rd April that he was going up to London to sing on 25th April, which was untrue. The prisoner had been walking out with the latter.

Alice Wicks knew the prisoner and that he had been courting Miss Durnford. He asked her to give Miss Durnford a message to meet him on Thursday, 27th April. He was wearing a dark moustache, very perceptible.

Caija, surveyor, proved that it was 3 miles 5 furlongs from Douglas Street, Deptford, to the scene of the murder in Kidbrook Lane, and 2 miles 5½ furlongs thence to prisoner's home.

Dr. Letheby examined the prisoner's clothing consisting of very dark trousers, a shirt, and a wide-awake hat. He found a little blood on the trousers and a human hair, 7½ in. long. It was exactly the same colour as deceased's hair.

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<sup>1</sup>The identification of the next three witnesses was not disputed. Prisoner, in *Pook v. Crosland*, explained that he ran as he felt a fit coming on.

<sup>2</sup>Royal Hill adjoins Circus Street.



## Adolf Beck.

Blood was also observed on the shirt and hat, but none on the boots, coat, or the brush used at Mrs. Playne's. It was mammalian blood.<sup>1</sup>

That was the case for the Crown.

Ebenezer Pook, the prisoner's father, said he dismissed deceased for her dirty habits. His son was constantly subject to fits and seldom allowed out of sight. He did not have affairs with women.

Prisoner denied to D.I. Mulvany<sup>2</sup> writing to the deceased. He told him he had spent the evening of 24th April with his brother, and of 25th April at Lewisham, returning at 9 p.m., a fact confirmed by witness's elder son. Prisoner explained the blood on his wristbands by saying it was due to washing without turning up his sleeves. His fits caused him to bite his tongue and to bleed. He never noticed his son with a moustache.

Mrs. Pook never saw any intimacy between her son and deceased; he had no light trousers.

T. B. Pook, prisoner's brother, gave evidence of being with prisoner all the evening of 24th April. He denied the evidence of Sparshott. They never went near Deptford. Prisoner had no light trousers. Prisoner cut his finger and it bled very much on 14th April. He had a fit on 6th April, and bit his tongue and bled very much. Prisoner shaved his upper lip, it could not be called a moustache, on 22nd April. He was not hot and excited on his return at 9 p.m. on 25th April. Witness saw the whistle on 23rd April, and found it again, when the police produced a whistle before the magistrate.

Harriet Chaplin, cousin, corroborated last witness as to prisoner's movements on 24th April, and the cutting of his finger on 14th April. Never saw any intimacy between prisoner and deceased.

Collins, in Mr. Pook's employ, never saw any intimacy between prisoner and deceased.

John Fange, a boy in Mr. Pook's employ, proved that he took a parcel to Lewisham for his master about 8 p.m. on 24th April, confirming the prisoner's statement on arrest to D.I. Mulvany.

John Eagle saw the prisoner about 8 p.m. on 25th April, in Bridge Place, Lewisham. He identified him by a photograph. He did not know him before. Witness had partially lost the sight of his right eye.

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<sup>1</sup> At that date human could not be distinguished from mammalian blood.

<sup>2</sup> Mulvany was warmly censured by Bovill, C.J., for not taking down accused's denial of relations with deceased.

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Mary Ann Eagle, wife of the last witness, corroborated him. The young man waited on the bridge a long time, perhaps three-quarters of an hour.<sup>1</sup>

William Douglas, decorator, confirmed the witness. He picked out the prisoner from a number of photographs. He had seen him before.

Eliza Merritt knew prisoner well, and confirmed the above witnesses. She told her mother directly she heard Pook was charged.

Edward Mackenzie confirmed Mr. Pook's evidence as to the blood on prisoner's wristbands.

Charles Ikey swore that Layzell told him he had never seen Pook.

Henry Catt was called to rebut Eagle.

Matthew Crawford swore that Sparshott said to him that to the best of his belief the man who came about the axe had light clothes on. He could not swear to him.

There was evidence of prisoner's good character.

The prisoner was found not guilty, and in the following February he brought several libel actions, *Pook v. Crosland* and *Pook v. Hartnoll*, which will be found reported in the *Times* of 2nd, 3rd, and 5th February, 1872. He recovered £50 damages and costs in the first case, and took a verdict for 40s. and costs by consent in the second. Serjeant Parry cross-examined him very strongly, and referred to the excluded evidence of Mrs. Holloway and Miss Prosser, and he claimed the right, on the authority of Lord Campbell's *dictum* in *R. v. Palmer* (5 E. & B. 1029) to go behind a verdict of not guilty in a criminal trial and examine the question anew. Lord Chief Baron Kelly said that if any one did this he must do so fairly, and in the libel complained of all that was in the prisoner's favour was suppressed. This case involves the supposition that several people, who knew Pook, were mistaken as to his identity at the hour of twilight on the night of the murder. But this observation applies alike to witnesses for the Crown and the defence.

### 6. Lewis and Brady.

A much more modern case here calls for examination. The *Daily Mail*, which in January, 1907, had devoted some space to the case of George Edalji, the young Birmingham solicitor, who had just received a free pardon in respect of his conviction

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<sup>1</sup> Wills suggests he was waiting for Miss Durnford, and that she did not turn up. This does not appear in her evidence, and it was not put to her in cross-examination.

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for the Great Wyrley cattle maimings, published on the 30th of that month a strong article on the case of George H. W. Lewis, who had recently been sentenced by Sir Ralph Littler at the Middlesex Guildhall sessions to three years' penal servitude for uttering a forged cheque for two pounds. He had been identified by Mr. Roland Turner, manager to Messrs. Mainprice and Lord of Kilburn, by Millie Marsh, domestic servant, and by Edith Pead, her fellow-servant, as a person who had uttered a cheque purporting to be drawn by Solomon Barrett. Turner's identification was not of the most satisfactory kind. The cheque came from a book, which had been issued to Lewis, and the late Divisional Detective-Inspector Cole took Mr. Turner to the house where Lewis lived. Turner at once recognised him. Marsh, Pead, and Turner afterwards picked him out when in custody. After receiving sentence in November, 1906, Lewis, whose sentence had been reduced by Mr. Gladstone, the Home Secretary,<sup>1</sup> was liberated in consequence of the arrest and confession of Duncan Brady, who was twenty-three years of age, or four years younger than Lewis. Brady's story was that Lewis, whom he knew well, gave him the cheque, which he uttered, and that they shared the proceeds. Marsh withdrew her evidence against Lewis, and said that Brady, with whom she had been intimate, was the man.

Marsh was convicted of perjury before Sir Albert Bosanquet at the Old Bailey. Brady and Lewis, who warmly denied Brady's story of their joint guilt and said that, there being only two shillings to his credit at the bank, he gave the cheque book to one Stacey to return to the manager and never knew it was not returned, were both called, and the jury saw them on Marsh's trial, and, being invited by the Common Serjeant to say whether they thought she might have made a *bonâ fide* mistake, the men being somewhat alike, found her guilty.

Her identification, being found to be *malâ fide*, goes for nothing; that of Mr. Turner is partially vitiated by the fact that Cole took him up to the house where he knew Lewis

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<sup>1</sup> Now Lord Gladstone. In *Jones v. Donallan* (*Times*, 4th December, 1923), Brady gave the following evidence as to the matter:—"Duncan Brady denied that he had been convicted of perjury. He described alleged attempts by the plaintiff to get a settlement and to give him a share of the proceeds. Cross-examined—He was mixed up in the Millie Marsh case, when a man named Lewis was sent to penal servitude for passing worthless cheques, on the evidence of a girl named Marsh. He (the witness) subsequently went to gaol for that offence and Lewis was pardoned. He had not suborned Marsh; he and Lewis were jointly concerned, but he accepted responsibility in the particular instance for which Lewis was convicted. Marsh might easily mistake Lewis for him (the witness); they were as alike as twins. He had been convicted on another occasion."

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would be found, thus inclining to witness to be biassed in his expression of opinion. It is very like Pauline Scott's identification when in the company of Detective Inspector Ward. Pead, a young servant girl, who doubtless talked the case over with Marsh, may have been influenced by her. Lewis made the same allegations against Cole's behaviour during the identification process at the station that Beck had made against Waldock and Ward, saying that he indicated him among the other men to the witnesses. It is only fair to add, Mr. Cole being dead, that, as has been seen, in Beck's case Mr. Dutton did not endorse in the slightest degree what Beck alleged.<sup>1</sup>

Without attempting to decide whether Brady or Lewis was speaking the truth, we see that here the police had information that a clean-shaven, nice-looking, middle-class young man had been forging and uttering cheques. The book was easily traced to Lewis.

The defrauded party is taken to where Lewis lives, identification and conviction follow. Yet the wrong man, whether wholly irreproachable in the matter or not, is convicted of uttering on the date assigned, 29th September, at the place alleged—Kilburn.<sup>2</sup>

### 7. The Gorse Hall Mystery.

Yet more remarkable was the Gorse Hall mystery of 1909-10.<sup>3</sup> The *Times* for the 8th December, 1909, while recording on page 11 the death of Adolf Beck, reported on another page the opening stage in the unsolved mystery of the murder of Mr. G. H. Storrs of Gorse Hall. On 3rd November that paper had published the following description of the man wanted for that murder committed on the night of the first of the month:—"About twenty-five to twenty-seven years of age, 5 ft. 6 in. to 5 ft. 8 in. in height, thin features, very fair to pale complexion, slight moustache, very light, has the appearance of a working man." A reward of £100 was offered for such evidence as should lead to the conviction of the murderer.

On 7th December, one Cornelius Howard, aged thirty-one,

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<sup>1</sup> A full report of the trial of Marsh will be found in the *Times*, March 7-11, 1907.

<sup>2</sup> Lewis had an *alibi* as to this place and date, but he did not disclose it at the Police Court, with the result that Sir Ralph Littler cautioned the jury as to accepting it. When asked in cross-examination upon Marsh's trial how he spelt Solomon, Lewis replied, "Soloman," and that he always spelt it that way.

<sup>3</sup> Some account of this case, unlike the preceding, will be found in "Wills on Circumstantial Evidence."

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was charged with the murder. It may here be said that a shot had been fired near the hall on 10th September, seven weeks before the murder, and this and perhaps some threats had so alarmed Mr. Storrs that he asked the Chester County Constabulary to afford him protection, which they did, surrounding the hall with a picket.

The murder was committed in the presence of the deceased's wife and niece, and the murderer was also seen by two female domestic servants; anything like burglary was thus excluded by the circumstances of the crime. Everything indicated a desire to gratify a desire for vengeance at almost any risk, the victim being murdered under the eyes of his family, in his own house, full of servants and surrounded by police.

The murderer can have been no stranger to Mr. Storrs or to his house and domestic arrangements. The deceased's coachman had committed suicide soon after the inquest opened, but his death was attributed to worry over his master's fate, and, of course, he was not the assailant as he must have been perfectly known to the household.

On 18th November, Howard, who was a distant cousin of Mr. Storrs and who was in custody on another charge, was put up for identification with a number of other men. The two ladies and the two maids attended the station. The niece swore at the Police Court, "This is the man I saw at Gorse Hall on 1st November, and identified on 18th November."

The widow was less positive; she testified "This man is the man most like the man of those that were put up." The cook swore "To the best of my belief, he is the man."<sup>1</sup>

At the Police Court counsel said that "the identification would point most strongly to the prisoner being the man," and the *Times* stated that Miss Lindley, the niece, gave her evidence "emphatically."

Howard was committed for trial before Sir William Pickford, B. F. Williams, K.C., leading for the Crown; he was the only counsel to appear in this and the ensuing trial for this murder, and he stated at the second trial that Howard and Wilde remarkably resembled each other.

It appeared in evidence that the accused was a somewhat unfortunate cousin of the deceased, that he had fallen on evil times, whereas the deceased had prospered, but it did not appear that the two men had had any communication for a long time or that the accused owed Mr. Storrs a grudge. As

<sup>1</sup> From the *Times* of 20th November, 4 f, it seems that both servants identified Howard, but that Mrs. Storrs failed to pick him out.

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has been said, Howard was in custody when identified, and explained certain cuts, &c., as having been sustained in the course of committing the felony, for which he was in custody.

He produced an alibi for the night of 1st November, viz., that he was playing dominoes at a public-house at Huddersfield, and this was corroborated by the licensee, who remembered the day of the week, because it was election day.

At the trial, Mary Evans, servant, swore that "she was not able to identify any of them till the last time she went to the station. She then picked out the man." (Howard, of course, had been one of the men each time.) Eliza Cooper, servant, swore "She failed to identify any one till she saw the last batch of men. She then picked the prisoner out."

Mrs. Storrs testified that "she picked out two men, the prisoner and another."

Miss Lindley admitted that she did not identify Howard when placed among the first twenty men, of whom he was one. The Chief Constable gave his evidence in a very fair manner; he said that the man Mrs. Storrs picked out as most like the murderer was not Howard. Mr. Justice Pickford, in summing up, said the real question was whether the eye-witnesses were right in identifying Howard as Mr. Storrs' assailant. After twenty minutes' deliberation, the jury returned a verdict of not guilty.<sup>1</sup>

Later in the year Mark Wilde was identified by the same women who gave evidence against Howard as the murderer.

At his trial before Sir Thomas Horridge Mary Evans swore that she picked him out from among thirteen men, but admitted she had picked out Howard before. Eliza Cooper said that Howard and Wilde were so alike that one might pass for the other. Howard then, at counsel's request, stepped beside the man in the dock, when the witness repeated that she thought the men very much alike.

A Liverpool police constable identified the revolver taken from the murderer by Mrs. Storrs at Gorse Hall as an American one of unusual type the prisoner had had when a fellow soldier of his in the Army. A corporal in the Worcester regiment minutely identified the revolver as the prisoner's.

Mary Evans "could not be positive." Mrs. Storrs said—"The prisoner was like the man." Eliza Cooper swore that "the prisoner and Howard were like the man." The prisoner had an alibi as to the night when the pistol shot was heard near the hall, but none as to the night of the murder; it did not appear that he knew the deceased.

<sup>1</sup> *The Times*, 4th March, 1910, 4 f.

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The jury were fifty minutes out of Court before returning with a verdict of not guilty.<sup>1</sup>

The next case to claim attention is one which cannot strictly be taken as a genuine case of mistaken identity, inasmuch as no Secretary of State for Scotland has seen his way to liberate the convict.

### 8. Oscar Slater.

Oscar Slater was a German Jew, and he was said to have followed that most degrading of all callings—living on women practising “the oldest profession in the world.”<sup>2</sup> He was convicted in 1909 by a majority verdict of nine against six of the murder of Miss Marion Gilchrist, an old lady of means, who had valuable jewellery in her house in Queen’s Terrace, Glasgow.

It is proposed here to examine briefly the evidence of the witnesses who identified Slater as the man seen on several occasions watching the house where the deceased lived and wherein she was murdered, and of those witnesses who identified him as a man seen running away from the direction of that house after the murder and the circumstances relied on as corroborating those respective identifications.

First as to the twelve witnesses who identified the accused as the man seen watching the house. Two notices had been issued respecting the murder; one was only to the police; the other, dated 31st December, 1908, ten days after the murder, was addressed to the public, and it offered a £200 reward to any one giving such information as should lead to the conviction of the person or persons who committed the crime.

The police notice published a description of two wanted men—(1) A man from twenty-five to thirty years of age, 5 feet 7 or 8 inches in height, thought to be clean shaven, wore a long grey overcoat and dark cap; (2) a man from twenty-eight

<sup>1</sup> The *Times* [25th and 26th October, 4] and 7th September, 3 f. I entertain very little doubt that each verdict was not only proper in the circumstances, but a true verdict insooth. The murderer took his life in his hand—not for robbery or burglary, which were impossible in the circumstances he had himself created—but to gratify an imperative desire for revenge for some real or supposed wrong done him by the dead man, and there was no suggestion that Howard or Wilde cherished such a feeling. Miss Lindley also identified a knife produced, belonging to the prisoner, as very like one in the hands of the murderer. There was loud applause in Court on the verdict being returned. The revolver, which the murderer had allowed Mrs. Storrs to take from him, was identified as Wilde’s in August. Howard, as well as Wilde, had an alibi as to the day of the pistol shot, 10th September, 1909.

<sup>2</sup> See cross-examination of Hugh Cameron, p. 156, *Notable Trials Series*, also evidence of Catherine Schmalz *passim*; and the Lord Advocate’s address to the jury.

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to thirty years of age, tall and thin, clean shaven, nose slightly turned to one side, thought to be the right side, wore a fawn-coloured overcoat, believed to be waterproof, dark trousers, tweed cloth hat of the latest make, and believed to be dark in colour, and brown boots.<sup>1</sup>

A practically identical description of the second of these men appeared in the Glasgow evening newspapers of 25th December, the day the police notice was circulated, except that the hat was described more minutely as a Donegal hat.<sup>2</sup>

The man first described was a man seen by the witnesses Adams and Lambie; the second was the man seen running away by the girl Barrowman. These witnesses' statements will be noted in due course.

The witnesses identifying the watcher were (1) Mrs. M'Haffie, who lived almost opposite Miss Gilchrist, in the same street, but a little to the south-east, on the other side of the street.<sup>3</sup> She saw a man loitering about on five or six occasions; he was dark, had a moustache, and wore an overcoat, not a waterproof, check trousers, spats, and a black bowler hat. She noticed nothing peculiar about his nose. He did not carry himself well, but slouched along. Her daughter Margaret gave similar evidence, but said that twice the man was wearing a black morning coat instead of an overcoat. In the March following the murder she had told the prisoner's agent that she was not quite sure the prisoner was the man; only that there was some resemblance. At the trial, after thinking it over, she came to the conclusion he was the man. The age of this witness is not stated; her father shod horses.

Her sister Anne spoke to seeing a man once like the prisoner; he spoke to her, but without a foreign accent. (Slater spoke and wrote very broken English.) Madge M'Haffie, a niece of Mrs. M'Haffie, described two occasions before the murder when she was at her aunt's and saw a man "who wore black-checked trousers, a fawn overcoat, a black bowler hat, and fawn gaiters."<sup>4</sup> . . . The prisoner was like the man." Examined by the Lord Advocate—"Were you quite sure about him or not?"—"No, he was just like him."<sup>5</sup>

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<sup>1</sup> Slater was thirty-eight, and looked every day of it.

<sup>2</sup> It will be apparent that Lambie and Barrowman, if they really observed anything at all with precision, saw two different men. Christmas day is not a festival in Scotland.

<sup>3</sup> I understand Queen's Terrace to be a part or continuation of West Princes Street.

<sup>4</sup> As he wore trousers, she must mean spats.

<sup>5</sup> By "just," as appears from the context, she means "merely," not "exactly." Anne M'Haffie stated that the stranger asked for a Mr. Anderson. Slater passed at times by that name.



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C. Walker, a Glasgow policeman, was on duty at the end of December, 1908, on the north-west side (the opposite side to Miss Gilchrist's house) of West Princes Street, and on the first of the month, at about a quarter before 6 p.m., he saw a man standing opposite the deceased's house; he took a good look at him. "I thought I knew the man, and I waved to him. I saw he was not the man." Three nights later he met the same man forty or fifty yards further towards the south-east, again on the opposite side of the street. "I did not look at him. I simply recognised him as the man I had mistaken." A fortnight later, witness again saw the man at a quarter before seven, this time on the same side as the house, but at the corner of West Princes Street and St. George's Road, about seventy-five yards from the house. He had no difficulty at all in picking Slater out as the man, when he saw him in custody.

The man for whom witness mistook Slater was a Mr. Paradise, foreign looking, with a dark complexion and moustache. The witness could see the man distinctly, owing to bright electric lights. Cross-examined—"What did you identify him by?"—"I just thought he resembled the man."

Euphemia Cunningham swore that on 14th December, when going home past West Princes Street for her dinner, apparently about one o'clock, she saw a man at the corner of Queen's Crescent and West Princes Street, about 111 yards from the house. On the three following days, at the same time and place, she saw the same man. His appearance was foreign, very dark, with a sallow complexion and heavy features. She thought he was clean shaven. He had a dark tweed coat and a green peaked cap. She was always on the same side of the pavement when she saw the man. She always saw the left side of his face, and noticed no peculiarity about the nose. She picked out Slater in custody as the man. The caps produced as Slater's were not the same as the cap she saw; he must have been wearing a green cap not shown to witness. His ears stuck out, and he had heavy jaw bones. What she saw was more the side and back of the head.

W. Campbell was with the last witness on these occasions, and he corroborated her to this extent: prisoner was like the man he saw; there was a general resemblance.

On 20th December, the day before the murder, at 7.40 p.m., R. Bryson was passing Miss Gilchrist's house, which he knew well; he saw a man standing in the entry of the house. The witness "took a very good look at him." The

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man moved off some paces. He was dressed in a black coat and vest, and had a black "boat" (?) hat on. Nothing peculiar about his gait or walk. Shown a photograph of two men, witness picked out that of Slater as the man he saw, and identified him at the station. Slightly foreign appearance and sallow complexion.

The man wore no overcoat. There were several foreign-looking men put up for identification with Slater with sallow faces and dark moustaches, at least four. Witness's wife, who was with him that night, could not recollect seeing any man at the entry of the house.

On the same day, A. Nairn waited fully five minutes for his family in West Princes Street, 120 yards from the house, at about 9.15 p.m. He saw a man on the opposite, or north, side of the street, apparently waiting for some one, about thirteen yards from witness, wearing a light overcoat; he was broad shouldered, a little long in the neck, and had black hair. He wore a motor cap, with the flaps up. Witness identified Slater as the man. "I am positive he is the man," he added. He never saw the man's face; he had never gone up behind a man and clapped him on the shoulder as a friend and found he was mistaken. He would not go the length of being positive.

A. Gillies, on 15th, 16th, and 17th December, saw a man standing in the close or entry to his house, opposite Miss Gilchrist's, at about a quarter to six. He wore a long fawn coat and a cap, was sallow, with dark hair and clean-shaven, about 5 ft. 8 in. in height. Prisoner resembled the man, but he would not say he was the man.

F. Briën, a Glasgow constable, also gave evidence that he once saw Slater on a night he could not fix, leaning against a railing in St. George's Road a few yards from the corner of West Princes Street; he knew him by sight, and took a good look at him, thinking he was drunk. This constable, like Walker, "identified" Slater, when standing among their brother officers in plain clothes. Yet Scots are supposed to be without humour!

The next witness to the identity of Slater as the watcher was a most important one. Mrs. Rowena Adams or Liddell gave evidence that she reached her house at 14 Queen's Terrace at five minutes to seven on the night of the murder. She saw a dark form leaning against the railing. "I gave him a good stare—almost a rude stare—and I took in the face entirely, except that I did not see his eyes. He had a long nose, with a most peculiar dip from here (pointing to the bridge of the nose). You would not see that dip among

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thousands.<sup>1</sup> He had a very clear complexion, not sallow . . . but something of an ivory colour. He was very dark, clean-shaven, and very broad in this part of the head (pointing to the cheekbone or temple)."

Although it was quite dark, save for the street lamps, the witness went on to describe with the utmost minuteness the hem of the man's tweed overcoat, though as to the colour of it she gave unsatisfactory replies. As to her recognition, she said, after looking at the man in the dock, "I do believe—I am afraid he was there—he was there at any rate." Her evidence, as it reads in print, conveys an impression that the witness, from affectation and a sense of her importance in her then surroundings, was thoroughly undependable.<sup>2</sup>

This was the last witness to identify the watcher. As to the evidence of Bryson and Nairn, the defence sought to prove an alibi by the women Antoine, on whose immoral earnings, it was said, Slater lived, and Schmalz, their maid. Reid, a friend, corroborated them, and added that on 20th December Slater had a very noticeable black moustache.

As to the other witnesses, no alibi was set up in contradiction of them. But from Slater's alleged profession of *souteneur*, he would hardly be likely to get witnesses of credit; and he may, as such people do, have lounged much at street corners, watching to see what fortune attended the peregrinations of his mademoiselle.

The next class of witnesses to identity bore much more strongly against the prisoner; they were those who swore to him as a man seen running away from 15 West Princes Street just after the murder. Of these, the most important was Anne Lambie, the deceased's servant.

The description she first gave of the man she saw leaving the house was "between twenty-five and thirty, 5 ft. 8 or 9 in. in height, slim build, dark hair, clean-shaven, dressed in light grey overcoat and dark cloth cap; cannot be further described."<sup>3</sup>

When this witness, who was taken with Barrowman and Adams to America for the extradition proceedings, saw Slater

<sup>1</sup> Cf. Rose Reece on the second trial of Beck—"His nose is most peculiar, and is one I could pick out of a thousand." This takes place while the man is before the jury in the dock. Not a word is said to the police at the station about a nose in a thousand.

<sup>2</sup> See her evidence in the *Notable Trials Series*, 2nd ed., pp. 85-88. In the dark she is able to see that the man's coat was not "what you would call a gentleman's waterproof," although it might have been waterproof. When she saw this German adventurer in "his beautiful blue coat" he seemed a "fine figure of a man."

<sup>3</sup> The witness Liddell described the man at first as frail; Slater was thick set and stocky.

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passing along a corridor, apparently not in custody, in the U.S.A. District Court, she and the girl Barrowman simultaneously said—"That is the man." The men with him in no way resembled the wanted man; Inspector Pyper was with the girls at the time, but they stated that they were not prepared to see Slater pass.

Examined by the Lord Advocate, she said—"The man when he passed me coming down the stairs at 15 West Princes Street was very close to me. I noticed he held his head down. . . . I got a good look at him. He had nothing in his hand. He was wearing a dark cap, a fawn overcoat, and dark trousers. His coat was open. No. 43 of the productions is the coat he wore." Asked in cross-examination how she identified the coat, she replied—"That is the coat"; in America she professed to identify the man by his slouching walk and not by his face, which she never saw. She told the American Commissioner—"I could not tell his face; I never saw his face." In cross-examination she complained that there was "a bit left out" in her American deposition, but could assign no better reason than that—"If I did not say it (that she had seen the face) there, I could not say it here." She now professed to have seen the man's face as he was going down the stair, and that he was clean-shaven.

The peculiarity about the walk was that the man bent forwards and shook his shoulders as he walked. She recognised the walk in the corridor in America.

A. Adams, living at 51 West Princes Street, was the next of these witnesses. He lived next door to Miss Gilchrist. Hearing a thud, apparently from Miss Gilchrist's bedroom, he went to her front door and rang the bell. Failing to get admittance, he returned to his own house and left the door ajar. He returned again to Miss Gilchrist's, and Lambie, coming home at the same time, let him in. As he stood at the threshold, "a well-dressed man appeared. I saw the man walk quite coolly till he got up to me, and then he went down quickly like greased lightning. He was a little taller than me, a little broader in the shoulders; not a well-built man, but well-featured and clean-shaven. If he had any moustache, it was very little. He had on dark trousers and a light overcoat. I did not notice anything about his way of walking at all. He was between twenty-five and thirty, I thought. I pointed out Slater as closely resembling the man in New York. He was sitting; I thought he was a visitor, and was thoroughly off my guard when he passed me."

The next witness was a young girl named Barrowman, aged fifteen. She had first mentioned seeing a man running away from Miss Gilchrist's close on the night of the murder to her

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foster mother, who made light of it, but as she said she was sure she would know the man again, the detectives were sent for. She had already told her foster mother that the man she saw had a turned nose. In her evidence she described the man as "running out of the close and knocking up against her." He "wore a fawn overcoat, a dark suit of clothes, and a Donegal hat; he had dark brown boots. He was coming very fast. He was tall and broad-shouldered, and he had a slight twist in his nose. He was clean-shaved and had dark hair. She described how she recognised him in the corridor and picked him out, when seated, in the American Courthouse.<sup>1</sup> His hat, as he ran away, was pulled down over his eyes. She had no doubt whatever the man had no hair on his face. His coat was a waterproof and unbuttoned.

This young witness, who professed to have noted an amazing number of details in the appearance of the fugitive—she can distinguish dark brown boots from black on a December night—was quite emphatic that the man ran in the direction of West Cumberland Street, that is up West Princes Street in a north-westerly direction.

A much older, more educated, and responsible witness, Agnes Brown, school teacher, swore in her deposition (although she was not actually called as a witness) that at about 7-8 p.m. on the night of the murder, as she was stepping off the pavement to cross West Princes Street in the direction of Carrington Street, which is further along the street to the north-west than where West Cumberland Street runs into it from the south-west, two men came rushing past her in the direction of St. George's Road, *i.e.*, going south-east. The men were each about thirty, and about 5 feet 9 inches in height. One of the men was of medium build, but squarer than the other; he had very dark hair, probably jet black, well groomed and glossy, and was bareheaded. He had a navy blue overcoat with velvet collar and black boots, a stand-up white collar, and carried something in his left hand. She recognised Slater in custody as this man. She thought she had several times seen him in Grant Street between seven and eight. That is a street parallel with West Princes Street, and between it and the house where Slater lived.

There being no opening statement in a Scottish trial, the evidence that Miss Brown might have given, which, if believed, utterly destroyed that of Barrowman and very much weakened that of Lambie and Adams, in the matter of dress and whether the man carried anything in his hand, was never hinted at

<sup>1</sup> His American lawyer tried to screen him by standing in the way. Whether this helped or hindered Barrowman may be open to doubt.

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before the jury. The Lord Advocate did not tender her as a witness, nor did Mr. M'Clure insist on his right to have her contradictory testimony laid before the jury.

Annie Armour was the last witness called as to the fugitive. She was booking clerk at Kelvinbridge Station, which would be reached by a person running from Miss Gilchrist's house, by his continuing to run north-west up West Princes Street till he came to Park Road, where he would be very near the station, and could reach it by taking either of two directions and a turning. If he ran towards St. George's Road or down West Cumberland Street he would be running away from it.

On the night of the murder a man rushed up to the witness at her pane and, flinging down a penny, ran off without a ticket. "He was of medium height, dark, clean-shaven, and wore a light overcoat, but I could not say if it was a hat or cap he wore, but it was something dark. The time might have been 7.30 to 8 p.m. . . . I have no difficulty in knowing prisoner is the man I saw. I had no difficulty in picking him out."

The Lord Advocate's explanation of the time taken to reach Kelvinbridge was that there was a network of streets up and down which Slater must have doubled in order to "get to the best place to elude observation." That may be so; but policemen have a way of stopping people who double up and down back streets on winter nights, and to arrive out of breath at his place of refuge so as to attract attention, when by walking quickly the nearest way one would arrive sooner in good trim, scarcely seems like the conduct of a scheming murderer.

Slater, if the murderer, would know that there would be a regular hue and cry after the murderer by 7.15 at latest, and that he should have spent another half an hour doubling about the neighbouring streets seems incredible.

The evidence of those witnesses as to the man's dress and appearance was met by the defence by that of Cameron, who never saw Slater wearing a drab or fawn-coloured waterproof, or in check trousers, or light spats, or in a cloth cap with a rim round it. Rattman confirmed this; he had never seen Slater in a Donegal hat. On the day of the murder he would never have taken Slater for a clean-shaven man; he had a dark moustache a quarter of an inch long. Henderson saw him that night; he had a short moustache "like stubble" and a Donegal hat, but not like production 44. Reid also swore that Slater had at this time "a very noticeable moustache."

The corroborating circumstances relied on to clinch the identifications were weak indeed. Slater would never have been arrested at all had he not pawned a brooch which the

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police believed to have been one taken from Miss Gilchrist. It turned out to have nothing to do with her, so that if he were guilty it was an amazing coincidence that the police were put on the right scent by a false clue.

A cheap hammer—hardly more than a toy<sup>1</sup>—was found among his effects. No blood was discovered on it nor did the prosecution remove the head to look for blood-stains that could not have been washed off. It might have caused all the deceased's injuries, though Dr. Galt would have expected a heavier weapon. No blood stains were found on the accused's hat, and only the merest trace on his waterproof. The murderer must have been drenched in blood. His hands must have been covered with blood.

So far the Crown witnesses; the defence witnesses considered the hammer a most unlikely weapon to have caused the injuries, particularly one to the left eye, and certain spindle-shaped wounds. There were no depressed fractures on the skull, such as the hammer would cause.

In the Notable Trials Series report and in Sir A. Conan Doyle's brochure will be found instructive criticism of the other incriminating circumstances—the hasty flight in a false name just after the crime and after realising all money possible. But nothing in this was other than was to be expected from a foreign *souteneur*, who habitually passed under a false name, going with a prostitute to the U.S.A. in order to escape from a position of increasing financial embarrassment owing to the slackness in the land of the unco' guid and of Holy Willie, of the sort of business by which he lived. That he was a *souteneur* is a strong reason in Slater's favour; it explains much that would be suspicious in an ordinary man, and it is *primâ facie* unlikely that a criminal of his class should take to a perfectly different and far more perilous mode of criminal livelihood.

At the further inquiry held in 1914, which was extrajudicial, the witnesses not being on oath, the following facts came to light. At 7.15 on the night of the murder, Lambie came up to the house of a Miss Birrell, a relative of the deceased, and said—"Oh, Miss Birrell, Miss Gilchrist has been murdered. I saw the man who did it; I think it was 'A. B.' I am sure it was 'A. B.' " Lambie told the same to Detectives Pyper and Dorman. Shown a sketch of Slater on 3rd January, 1909, Lambie failed to recognise it. Asked by Detective-Lieutenant Trench if "A. B." was not the man, she replied—"It's gey funny if it wasn't him I saw."

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<sup>1</sup> It was bought on a card with a number of other cheap tools. Antoine's evidence, p. 188.

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This rested on the statement of Trench. Neither Miss Birrell nor Lambie nor the other officers confirmed it. Detective Gordon, however, said that Lambie told him on the night of the murder that she was quite unable to identify the man. Chief Inspector Pyper confirmed him. To some extent Chief Inspector Cameron confirmed Trench. It is a fact, however, that the police did closely inquire into A. B.'s movements.

Other evidence was called, tending to negative the Lord Advocate's asseveration that Slater covered up his tracks and fled from justice; as this does not bear on the identity, I refer the reader to Mr. Roughead (pp. lxxvi. *et seq.* in the Notable Trials Series report of the trial). But as to Barrowman's evidence Trench said that Maccallum, her employer, stated that it was on the 18th, not on the 21st, that she went on the errand that took her to the point where she professed to see Slater.

Barrowman, Pyper, and Maccallum contradicted Trench as to this.

Finally a new witness, one Macbrayne, stated that he recognised Slater standing a few yards from his residence, 69 St. George's Road, at 8.15 on the night of the murder; the Crown never called this man, whose evidence contradicted that of Armour; the defence did not know of him. The recognition was mutual, for, when he saw Slater in custody, the latter exclaimed—"Oh, you are the man in the big shop in Sauchiehall Street."

The Secretary for Scotland saw no reason, on these new facts, that would justify him in interfering with the sentence. Accordingly the swarthy, stocky, middle-aged German Jew remained in Peterhead Convict Prison, for the crime committed by the man or men first-described, who, in age and build, were so distinct from him.

## 9. Robert Wood.

The confidence with which Lambie professed to recognise Slater from his gait recalls the evidence of R. W. M'Gowan at the trial of Wood for the murder of Dimmock. M'Gowan described a man as seen by him leaving the house where the murder was done at 4.55 a.m. on the morning of 12th September. The man walked with his right shoulder inclined forward.

At the station, he failed to pick out Wood at once, but when the men at his request started to walk he picked out Wood. This induced Ruby Young, who knew Wood intimately, to say that she had noticed this peculiarity, but had not mentioned it before.



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Divisional Detective-Inspector Grosse, in further cross-examination, admitted that from inquiries made by him the electric lamp by which M'Gowan professed to distinguish this walk was extinguished at 4.40 a.m. on that morning.<sup>1</sup>

How difficult trained detectives may find it to be confident as to identity appears from two cases related by the late Chief Inspector Littlechild. A well-known crook, one Jerry, escaped from a young officer by offering to go quietly to the station. A little later the same constable arrested a man as Jerry, who made the same offer to go quietly, which was ironically refused. At the station Littlechild and two detectives, who knew something of Jerry, and had, in fact, arrested him before handing him over to the constable, were all at a loss to say if he were the man in custody. Finally something in the man's walk and speech satisfied Littlechild that this was not Jerry—and so it proved. The divisional detective, who knew Jerry quite well as a burglar, said at the station—"That's Jerry right enough."

The second instance Littlechild gives was a blunder of his own. He held a warrant for the arrest of a man he knew quite well. Happening to be on a bus travelling in the same direction as a tram, he espied, as he thought, his man on the tram. Following him till he alighted, he lost sight of him near Blackfriar's Bridge. Three weeks later he saw, as he believed, the same man, and took him into custody in Queen Victoria Street, almost exactly where he had lost him before, and the man offered no explanation, but behaved as a guilty man. At the station, however, his father made it quite clear that Littlechild was mistaken, and official apologies and reproofs followed. Not long after Littlechild, in Islington, saw, as he believed, the man he knew and wanted, but to avoid a second mistake, he introduced himself with a "How do you do?" The stranger turned and said, "I want nothing more to do with you." It was the same man as he had erroneously arrested only a short while before.<sup>2</sup>

Mention may here be made of three cases where evidence of a most dramatic kind confounded the identifying witness. Ballantine was counsel for the defence in a trial for murder on the Home Circuit. The prosecution had already jeopardised their case by blunders, when, having put it beyond reasonable doubt that the prisoner was in the locality at the time of the crime, they called the postman of Robertsbridge to prove that

<sup>1</sup> Mr. Arthur Neil has informed me that he thinks the time supplied was wrong and the lamp was still alight.

<sup>2</sup> "Reminiscences of Chief Inspector Littlechild," ch. 12.

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he saw the prisoner in a public-house there (near the scene of the murder) at such a time. The defence knew it to be otherwise, and the serjeant asked a person, much resembling the accused, to stand near the dock, whereupon the postman, in utter confusion, withdrew his identification and the prisoner, a fortunate man in the serjeant's estimation, was acquitted.<sup>1</sup>

Wharton in his work on Criminal Evidence, sec. 808, relates an identical case, the witness being a female, and the incident of Mme. Alfroy withdrawing her identification of Lesurques, on seeing Dubosc in a fair wig, is a third.

Much, at the Beck inquiry, turned upon the distinguishing physical marks of Beck and "Smith." From the point of view of present-day practice, this aspect of the case is without value as a lesson for the future, but I cannot but recall, in view of what happened to Beck's application in his petitions, the very different course pursued in the matter of Henry Evans in 1885. Evans was convicted of burglary; there was another charge of a previous conviction for burglary in the name of Williams. A warder swore that Evans was Williams; the defence called for the identification marks of Williams, and the prison surgeon found marks on Williams that were not on Evans, and *vice versâ*. The jury found Evans was not Williams, and he received a sentence as for his first offence. Subsequently Evans memorialised the Home Secretary, Sir William Harcourt, who had been Solicitor-General, and had given up a lucrative practice to take to politics, and Sir William, in comparing his petition with the writing of Williams, found "not only were the handwritings identical, but there was a peculiar vein of thought running through both petitions, which could hardly by any possibility have been the work of two different persons."<sup>2</sup>

Mr. Justice Wills, from whom I take the above case, knew of only one case where a warder was wrong upon such an identification; the warder in mitigation said—"I have to identify about 3000 a year."<sup>3</sup>

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<sup>1</sup> "Some Experiences of a Barrister's Life." Did Dickens, who knew Ballantine at the Garrick, borrow this incident for the trial of Charles Darnay?

<sup>2</sup> "Wills on Circumstantial Evidence," 1912 ed., by Sir Alfred Wills, pp. 185-6, *R. v. Evans*.

<sup>3</sup> *Ib. R. v. Helsham*. If Mr. Akers Douglas had only followed the wise precedent of the trained lawyer who preceded him the non-identity of the two men and the guilt of "Smith" of the 1894-5 frauds would have been patent at once. Sir Alfred makes it quite clear that, in his view, as the trial judge, the warder was right and the jury were wrong, all of which goes to confirm the evidence of Froest and other police witnesses as to the little value of these old identification marks and to refute those who professed to see in the police identification of the men evidence of *mala fides*. Some scars persist through life; others disappear in a few weeks. An entry, "scar, left cheek," without more, is worse than useless.

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## Conclusion.

We are now in a position briefly to sum up the causes leading to this singular miscarriage of justice. The features peculiar to this case have already been noted—the rare circumstance of a man challenging a previous conviction, the unhappy reliance upon a pure technicality of English criminal procedure, which at that time prevented the challenge thrown out by the defence being inquired into, the singular perversity of the Home Office, which, with Sir William Harcourt's excellent precedent before it, refrained from comparing the writings and style of the two men, the extraordinary fatality, which led a stranger to put Scotland Yard on to a false scent, only in the years that were to come to lead it back to the right one, the inconceivable folly of Meyer in hazarding fortune once more after Beck's second conviction—all these things go to make the Beck case one without precedent and any possibility of its creating a precedent.

But, eliminating these peculiarities, let us ask—What would be the position of a Beck to-day, tried on the evidence of 1896, and there being no suggestion (as but for the officious stranger there would have been none at the time) as to any identical earlier crimes committed by some other man, can any one doubt that he would be convicted, and that the Court of Criminal Appeal would sustain the verdict as one that a jury might reasonably find?

The evidence as to identity was stronger than in any of the cases just glanced at. Those women, who, like Mrs. Townsend, hesitated, were corroborated by the exhibits put to them, which were transparently in the same writing as those given or posted to the women, who were absolutely confident, and as to each and all of these there was the uncontradicted evidence of Mr. Gurrin that these were all in the prisoner's handwriting.

About twenty-two occasions were spoken to by the eleven women, and on not one of those occasions could Beck render it probable by alibi or other evidence that he was elsewhere than where the women said. He was poor, pawn tickets relating to female jewellery, brooches, and rings were found in his possession, just the clothing, the white vest slips, spats, and patent boots they described were found at his apartments, and all he could prove as to character was that twenty years before, in a foreign land, he had mixed with decent people. The women, too, grew more confident, as Mr. Gill admitted,<sup>1</sup> under cross-examination, and gave their evidence with a vivacity and air

<sup>1</sup>Sir A. Conan Doyle noted the same thing about the female witnesses in Slater's case, and I have observed it to be a usual feature of their evidence in this class of case.

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of conviction which the Sessions report does not preserve, but which is reflected in the newspapers of the period.

The identification by Meissonier and Brakefield of the marks in open Court must have had a most damning effect, and Beck's short remarks to the jury in broken English probably only strengthened the conviction that he was a humbug, as his own witnesses said he could speak English very well, and the papers in reporting the Police Court proceedings described his foreign accent as slight.

Yet, when one looks below the surface, the corroboration was nothing. The female witnesses, with their exhibits, and Gurrin's evidence, only proved that one and the same man was the culprit in 1894-95. None of the property was traced to Beck, though, owing to the lapse of time, it would hardly have been still in his possession; none of it was pawned by him. If we disregard for the moment Meissonier, none of the women furnished any real description of the man as pointing at all strongly to Beck.

Fanny Nutt made no complaint to the police at the time and only came forward more than a year after she had been defrauded; yet she was the most confident of the lot.

Marion Taylor, or Duncan, only came forward a year later. She described the man as "beautifully dressed," though in the winter of 1894-95 Beck was shabby,<sup>1</sup> and as speaking with a "strong foreign accent" and describing himself as a German.

Evelyn Miller's description, given at Albany Street station at the time, is not extant, but from her evidence, the man was dressed well and evidently a gentleman; the accent was "slightly foreign" and "rather broad." Alice Sinclair, who came forward nearly nine months after being defrauded, described the man as "very well dressed" in April, 1895. She thought he was not an Englishman; which, of course, was the case.

Brakefield gave a description the day she was robbed at Chelsea, but this, unhappily, is no longer extant. It was Meissonier's description of a mark that brought her up to the Court six months later, and what she recognised was a perfectly distinct mark from those noted by Meissonier.<sup>2</sup>

Juliette Kluth in her evidence said she described the man in her letter to Scotland Yard; that is not so; she wrote not a word about accent or appearance, beyond that "he was about fifty and had a gentlemanly manner."

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<sup>1</sup> See the evidence of Ellis, Annie Smith, Kistner, and Jones for the defence.

<sup>2</sup> According to Mr. Frank Froest's memorandum forwarded to me from Scotland Yard. It differs slightly from his account from the printed report and from his evidence before the committee.

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In April Minnie Lewis was defrauded by a man she described as very well dressed, but under cross-examination she was unable to recall any particulars in her description to the police at the time. Daisy Grant, when accosted, was with a companion, who failed to identify Beck.

Ottilie (or Ottalie, according to Mr. Sims) Meissonier stands in a class alone, as regards this one case; but we find a parallel to her evidence in that of Lucy Denham in Robinson's case, and of the women Santon and Grossetête in the case of Lesurques. If we could accept it that Lambie and Barrowman were totally unprepared to see Slater in the corridor of the New York Court, and further that their identification was wrong, we might add that as an instance of a person, not apparently in custody, being picked out in error.

She was a German subject, but spoke with a strong French accent; she taught German, among other languages, and she noted that the affable and generous stranger read a German newspaper during his visit. Yet she describes him, not as a fellow-countryman and a German, but as a "foreigner," which he would not be in relation to her!<sup>1</sup>

She notices his apparel most minutely, the lining of his coat, the creases made by the seams of his tight leather gloves on his hand, his odd way of holding the pen, the two marks on his face, which she was able to point out to the jury on Beck at the trial, and to the warder at the Police Court.

His behaviour, too, weighs heavily against him. If innocent, all he has to do is to shut his front door in her face and go upstairs. Instead he runs away across the street and is chased as far as the first policeman, when he uses familiar English bad language!

Every effort has been made to get Meissonier's original description as furnished by her at Vine Street and at the Jubilee police station, Fulham, but neither are now extant.

My request to the Home Office to see the exhibits in her case, to see if by any chance they differed from the others, was refused. Yet, having regard to the undoubted fact that the first of this series of frauds—that on Nutt—was the work of Meyer, as well as all the later ones, in which we have facsimiles of the exhibits, there seems to be no doubt

<sup>1</sup> According to several newspaper reports Mr. Horace Avory, in his reply, said that one witness, who was a teacher of languages, described the man as a Norwegian. This does not appear in the Sessions Paper report of Meissonier's evidence, but doubtless the witness must have said so.

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that the committee was right in saying that Beck had no more connection with this than any of the others.

The 1904 frauds call for only two observations. The most educated and ladylike of the women, Grace Campbell, was the most minute in her description of the man and his apparel, and, if anything, the most confident in her identification of Beck. "I have not a doubt he is the man," she said. Yet she was wrong. Rose Reece purported to recognise Beck by his nose—one in a thousand—as Mrs. Adams (or Liddell) did on Slater's trial. She pointed the feature out to the jury; yet Rose Reece was certainly wrong. These feminine afterthoughts may be peculiarly deadly!

A point that was made much of by Mr. Sims and those who shared his views was that Beck was transparently a foreigner; so was Meyer. Each man had a slight, but noticeable accent. Meissonier, as we have seen, could not detect it as German, while to Kluth, also speaking several languages, it seemed French rather than German. Mrs. Townsend recognised an American twang. Now both men had been for years in different parts of America.

Beck affected to know little English. Yet he had earned a living by singing in that language as a youth.<sup>1</sup> The newspapers agree with Mr. Froest that he could speak it with hardly any accent, and the whole probability is that each man had about the same command of our language in spoken speech and that neither was able to write it idiomatically, though Beck's penmanship was less Teutonic.

Allowing for Beck's careworn appearance in his photograph taken after his second arrest, and supposing each man to be similarly attired—down to the monocle, each affected when on a lady-killing expedition—it is not difficult to imagine the two being confounded.

Another circumstance which must have seemed to the police a strong confirmation of their view that they had got the right man, was that by what was probably a mere coincidence, Meyer invariably operated near to where Beck lived. The most striking example of this is the case of Nellie Cawston, who, luckily for Beck, refused to pick him out, and later identified Meyer. She met the stranger within a hundred yards of Beck's flat and was written to from the Belgravia Hotel (the site of the present offices of Homefinders, Limited), exactly opposite Beck's flat. Daisy Grant was accosted within a few yards of where he lived. Meissonier's encounter was in Victoria Street, where Beck lived.

<sup>1</sup> See Vanvert, *ante*, p. 2.

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When, after serving his sentence, Beck removed to quite a different part of London, his evil genius still pursued him. He takes rooms off Oxford Street and uses de Maria's restaurant at No. 35. Where does Rose Reece encounter the stranger? In Oxford Street, to be sure! Pauline Scott is accosted in Oxford Street. Lily King is encountered in Regent Street. Caroline Singer meets with her adventure in Oxford Street. Why, at the very beginning of Beck's amazing story, it is the common use by the two men of the same hotel—the Grand Hotel, Charing Cross, that first leads to Beck's undoing! Beck pawns women's jewellery; there may be some innocent explanation of that, but what is it?<sup>1</sup>

On the second, as on the first trial, Beck cannot account for his movements; he himself, the second time, goes into the box and says he was with Mr. Gajardo. Where is Gajardo? He is not called.

What, then, is the lesson of this case?

Several seem to stand out. The first is embodied in the Committee's report that "evidence as to identity based upon personal impressions is, unless supported by other facts, an unsafe basis for the verdict of a jury." The second is that women, as appears from all the cases noted, are especially to be mistrusted in cases where the evidence is of this character. Thirdly, it must be made manifest that the so-called corroboration really is corroboration, and not merely evidence going to show that the crime or crimes had been committed, and not indicating the prisoner as the one man who could have committed them. The last would seem to be that it is at least highly dangerous for a judge, on the objection of prosecuting counsel, to sustain a technical objection, which really goes to the whole root of the defence.

It will be a lasting puzzle to me why Mr. Gill, most intrepid of advocates, did not, by all means in his power, force the real issue upon the public at the time. I cannot believe that mere questions of the etiquette of the bar restrained him; I can only suppose that, as counsel, he possessed some knowledge, which induced him to take the apparently timorous course, for him, that he did take. It is also quite possible that he never realised, as we at our leisure can, how unanswerable a defence he had when all the documents are laid on the table.

The task of trying and judging a fellow-creature is the most solemn and awful upon which fallible man can be called

<sup>1</sup> From information supplied to S.Y. it seems Beck was not above borrowing off women when in need.

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on to engage. From what I have seen of judges and jurors I believe they so appreciate that solemn duty. If anything in the perusal of this book can serve to admonish those who may have such duties to perform, that they must all the time be all attentive and alert, and that they must let no cynical prepossession against the friendless and helpless man in the dock weigh for an instant against the presumption of his innocence, I shall feel repaid for such exertions as its compilation have entailed.



## Leading Dates in the Beck Case.

12th April, 1877,	-	-	John Smith defrauded Louisa Leonard of a ring, a pair of earrings, and 15s.
20th    ,,    ,,	-	-	Louisa Leonard saw John Smith in the Tottenham Court Road; she charged him with having robbed her, and gave him into custody.
21st    ,,    ,,	-	-	John Smith was brought up at the Clerkenwell Police Court, and charged with defrauding Louisa Leonard of a ring, a pair of earrings, and 15s. on April 12th, 1877. Evidence was given, and the prisoner was remanded in custody.
28th    ,,    ,,	-	-	John Smith was committed for trial at the Central Criminal Court.
10th May,    ,,	-	-	John Smith was convicted at the Central Criminal Court on indictments charging him with larceny from Louisa Leonard and Louisa Howard. The third indictment charging larceny from Ada Wooding was not tried.
,,    ,,	-	-	The prisoner was sentenced to five years' penal servitude.
,,    ,,	-	-	John Smith was assigned the letter and number D 523 by the prison authorities.
13th January, 1879,	-		John Smith, who had on being received into prison described himself as a Protestant, applied for leave to change his religion and to be entered as a Jew. He was examined by the Medical Officer who certified in writing that he was circumcised; and the application was accordingly granted.
25th June,       ,,	-		Petition of John Smith for remission of part of his sentence. The petition was refused.
4th April, 1881,	-	-	Photograph and "description" of John Smith, who was then about to be released on licence, sent by the Governor of Portsmouth Prison, where he was then confined, to the police authorities at Scotland Yard. The "description" did not state that John Smith was circumcised.
14th    ,,    ,,	-	-	John Smith was released on licence. For two years after his release, John Smith remained in England. In 1884 he went to South Australia and set up at Adelaide as a doctor under the name of Augustus Wilhelm Meyer; he appears to have had a considerable and lucrative practice as a doctor there.
13th May,    ,,	-	-	Letter from John Smith to the Home Office asking for the return of some property in the hands of the police.

## Leading Dates in Beck Case.

- |                      |    |   |   |  |
|----------------------|----|---|---|--|
| May, 1885,           | -  | - | - | Mr. Adolf Beck came from America to London.  |
| 8th April, 1894,     | -  | - | - | A man who called himself Augustus Wilhelm Meyer, was arrested in London for obtaining 300 <i>l.</i> on a worthless letter of credit; he was discharged after a fortnight for want of evidence.   |
| 30th November, 1895, | -  | - | - | Ottolie Meissonier lodged a complaint at Vine Street Police Station that she had been defrauded of two rings and two watches by a man who had represented himself as a wealthy nobleman with an establishment in St. John's Wood. The police had, during the preceding twelve months, received complaints from various women of similar frauds. In every case the handwriting of the swindler was the same, and there was no doubt that all the frauds were perpetrated by one person; but the police had been unable to find him.   |
| 16th December,       | ,, | - | - | In the afternoon Ottolie Meissonier saw Mr. Beck in Victoria Street, and accused him of having stolen her rings and watches. He denied that he had ever seen her and both went to a constable, who took them both to Rochester Row Police Court.   |
| ,,                   | ,, | - | - | The detective at the police station, sent for Mary Harvey, Madame Meissonier's servant, and Daisy Grant, who had also complained to the police that she had been defrauded in a similar manner and they identified Mr. Beck as the swindler. Thereupon the Inspector took the charge against Mr. Beck.   |
| 17th                 | ,, | - | - | Mr. A. Beck was brought up at the Westminster Police Court and charged with defrauding Ottolie Meissonier and Daisy Grant.   |
| ,,                   | ,, | - | - | Evidence was given by Meissonier and Daisy Grant, and Mr. Beck was remanded in custody.  |
| 18th                 | ,, | - | - | A gentleman who happened to remember the case of John Smith, on reading an account of the proceedings at the Westminster Police Court, observed the resemblance between the crimes committed by John Smith and those charged against Mr. Beck; he accordingly informed the police that Mr. Beck was no doubt the John Smith of 1877. During the course of the proceedings before the magistrate it was ascertained that the incriminating documents attributed to Mr. Beck were in fact in the same handwriting as those written by John Smith in 1877; and moreover P.C. Spurrell and Inspector Redstone identified Mr. Beck as John Smith. |

# Adolf Beck.

- 23rd December, 1895, - Mr. Beck was further charged at the Westminster Police Court with defrauding Kate Brakefield. The evidence of Mary Harvey, P.C. Edwards, Kate Brakefield, and John Watts was taken, and Mr. Beck was again remanded in custody.
- 26th        ,,        ,, - Mr. Sheil having certified for legal aid, the Director of Public Prosecutions took charge of the case.
- 2nd January, 1896, - Westminster Police Court.—Mr. Beck was remanded for a week, no evidence being taken on this day.
- 9th        ,,        ,, - Mr. Beck was further charged at the Westminster Police Court with defrauding Marion Taylor, Alice Sinclair, Mrs. Townsend, Juliette Kluth. Mr. Beck was again remanded in custody.
- 13th       ,,        ,, - Inspector Froest put in charge of the case in place of Inspector Waldoock.
- 15th       ,,        ,, - Mr. Beck examined for personal marks at Holloway Prison.
- 23rd       ,,        ,, - Mr. Beck was further charged at the Westminster Police Court with defrauding Fanny Nutt. Mr. Beck was again remanded in custody.
- 29th       ,,        ,, - Mr. T. H. Gurrin reported on the handwriting of the incriminating documents.
- 30th       ,,        ,, - Mr. Beck was further charged at the Westminster Police Court with defrauding Minnie Lewis and E. E. Miller. Mr. Beck was remanded in custody.
- ,,        ,, - On this occasion the witness Spurrell swore that Mr. Beck was John Smith.
- 6th February,        ,, - Mr. Beck committed for trial at the Central Criminal Court on charges of (a) obtaining by false pretences, (b) larceny, and (c) conversion as a bailee in respect of the following cases, viz. :—
- (1) 3rd December, 1894: Fanny Nutt: two rings and a brooch.
  - (2) 1st January, 1895: Marion Taylor: one ring and 9s.
  - (3) 3rd January, 1895: Evelyn E. Miller: one ring and £2
  - (4) 18th February, 1895: Alice Sinclair: two rings.
  - (5) 7th March, 1895: Ethel Annie Townsend: one ring, two bracelets and other property.
  - (6) 1st March, 1895: Juliette Kluth: one ring.
  - (7) 3rd April, 1895: Minnie Lewis: one ring.
  - (8) 23rd June, 1895: Kate Brakefield: two rings and other property.

## Leading Dates in Beck Case.

- |                            |     |   |
|----------------------------|-----|---|
| 6th February, 1896,        | -   | Mr. Beck committed for trial at the Central Criminal Court, &c.—<br>(9) 6th July, 1895: Daisy Grant: two rings and other property.<br>(10) 29th November, 1895: Otilie Meissonier: two rings and two watches.   |
| " "                        | -   | Mr. Dutton applied to the Commissioner of Police for liberty to inspect the record of John Smith. His application was refused.  |
| 20th " "                   | -   | Mr. Dutton applied to the Commissioner of Police for production of John Smith's record at the ensuing trial of Mr. Beck. His application was refused.   |
| 3rd, 4th, and 5th March, " | - } | Trial of Mr. A. Beck at the Central Criminal Court.   |
| " "                        | -   | Mr. Beck was tried on an indictment for misdemeanour containing ten counts, and charging him with obtaining by false pretences from each of the ten women mentioned above; this indictment did not contain any count charging a previous conviction.  |
| " "                        | -   | There were four other indictments on the file charging Mr. Beck with larceny, and each of those indictments did contain a count charging the previous conviction.   |
| " "                        | -   | Mr. Beck was convicted on the misdemeanour indictment, and was sentenced to 7 years' penal servitude.   |
| " "                        | -   | At the next Sessions the Attorney-General entered a <i>nolle prosequi</i> on the other indictments.   |
| 5th " " "                  | -   | Mr. Beck was assigned a letter and number, viz., D.W. 523, which indicated that he was John Smith and had been previously convicted.  |
| 20th May, "                | -   | Petition from Mr. T. D. Dutton on behalf of Mr. Beck.   |
| 9th June, "                | -   | First Petition by Mr. Beck.   |
| 2nd July, "                | -   | Count Lewenhaupt, the Minister for Norway and Sweden, called at the Home Office, bringing a letter from Mr. Dutton and asking to be allowed to send a solicitor on behalf of the Legation to Mr. Beck. Permission was granted; but in fact no solicitor on behalf of the Legation was sent to see Mr. Beck. |
| 26th March, 1898,          | -   | Mr. Dutton applied to the Commissioner of Police for leave to inspect the record of John Smith. His application was refused.  |
| 10th May, "                | -   | Mr. Dutton applied to the Home Office for an interview to explain Mr. Beck's case. His application was refused.   |

# Adolf Beck.

- \* 12th May, 1898, - Mr. Murdoch, who dealt with Mr. Beck's Petitions, instituted inquiries with regard to the records of Smith and Beck.
- 16th „ „ - Further letter from Mr. Dutton to the Home Office urging Beck's innocence.
- 19th „ „ - The Governor of Portland informed the Home Office that Smith was circumcised and that Mr. Beck was uncircumcised.
- 25th „ „ - Further letter from Mr. Dutton to the Home Office.
- 8th July, „ - Having ascertained that Mr. Beck was not Smith, the Home Office decided to refer the matter to the Common Serjeant, who had tried the case. Accordingly the papers in the case were sent to him, under cover of a letter from Mr. Murdoch.
- 13th „ „ - Letter from the Common Serjeant in reply.
- 27th „ „ - Letter from the Home Office to Mr. Dutton stating that the Home Secretary could not interfere with Mr. Beck's sentence.
- August „ - A new number was assigned to Mr. Beck, which did not indicate that he had been previously convicted.
- 9th December, 1898, - 10th Petition by Mr. Beck. After receipt of this Petition, Inspector Froest saw Mr. C. S. Murdoch at the Home Office about the alleged scar on Mr. Beck's jaw or neck.
- 8th July, 1901, - Mr. Adolf Beck was released on licence from Pentonville Prison. After his release Mr. Beck remained in London and endeavoured to procure evidence to prove his innocence.
- August, 1903, - It is now known that in this month John Smith was again in London, and remained there till his arrest in July, 1904. The first of the series of frauds deposed to at Mr. Beck's trial in June, 1904, occurred in August, 1903.
- 23rd March, 1904, - Pauline Scott complained at Scotland Yard that she had been defrauded of a ring, a watch, and £1. The circumstances of this fraud were so similar to those of the frauds for which Mr. Beck had been convicted in 1896 that Inspector Ward, who had charge of the case, suspected he was the guilty person.
- 15th April, „ - Pauline Scott identified Mr. Beck as the person who had defrauded her, and he was arrested. Mr. Beck was charged at the Marylebone Police Court, and remanded in custody.
- 18th „ „ - The Director of Public Prosecutions took charge of the case.
- 23rd „ „ - Marylebone Police Court: Mr. Beck was remanded in custody, no evidence being taken.

## Leading Dates in Beck Case.

30th April, 1904,	-	Mr. Beck was again brought up at the Marylebone Police Court, and charged with defrauding Rose Reece, Caroline Singer, and Grace Campbell. Mr. Beck was remanded in custody.
7th May,	„	Marylebone Police Court. Mr. Beck was remanded in custody, no evidence being taken.
12th „	„	Mr. Beck was brought up at the Marylebone Police Court, and was charged with defrauding Lily King, and was remanded in custody.
19th „	„	Mr. Beck was brought up at the Marylebone Police Court, and was committed for trial at the Central Criminal Court.
22nd June,	„	Application was made by Counsel on behalf of Mr. Beck to the Recorder at the Central Criminal Court that his trial should be postponed to the next Sessions to enable him to prepare his defence. The Recorder granted this application, and directed that the case should be tried before the Common Serjeant on Wednesday, 27th July.
23rd „	„	Counsel for the prosecution applied to the Recorder to rescind the order which he had made for the postponement of Mr. Beck's trial on the grounds set out in the affidavit of Police Constable Yeo. The Recorder rescinded his order, and directed that Mr. Beck should be tried on the following Monday, 27th June.
27th „	„	Mr. Beck was tried before Mr. Justice Grant-ham at the Central Criminal Court and was convicted; but the learned judge, having some doubts about the case, did not pass sentence.
7th July,	„	William Thomas, alias John Smith, was arrested in the act of pawning certain rings which he had just obtained from two women by false pretences, similar in every respect to those of which Mr. Beck had been accused and convicted in 1896 and 1904. It was then found that Thomas, alias Smith, had written a letter to Miss Turner, which was obviously in the same handwriting as the incriminating documents of 1877, of 1894-5, and of 1904.
18th „	„	Mr. T. H. Gurrin withdrew his evidence as to the incriminating documents being in Mr. Beck's handwriting.
19th „	„	Mr. Beck was released from prison.
27th „	„	Free Pardons were granted to Mr. Beck in respect of his convictions of 1896 and 1904.

## Adolf Beck.

July-August, 1904,

Depositions of witnesses in the case against William Thomas taken before Sir A. de Rutzen at Bow Street Police Station.

15th September, 1904,

William Thomas, alias John Smith, pleaded guilty at the Central Criminal Court to various charges, and was sentenced to five years' penal servitude.

1. please expect me

From exhibit to Ada Wooding's deposition, R v Smith, 1877.

2. Please expect me

From exhibit to Fanny Nutt's deposition, R v Beck, 1896.

3. please expect me

From exhibit to Caroline Singer's deposition, R v Beck, 1904.

4. Please expect me

From exhibit to Beulah Turner's deposition, R v Thomas, alias Smith, 1904.

5. between

From exhibit to Fanny Nutt's deposition, R v Beck, 1896.

6. between

From exhibit to Caroline Singer's deposition, R v Beck, 1904.

7. between

From exhibit to Beulah Turner's deposition, R v Thomas, alias Smith, 1904.

8. Tomorrow.

From a letter in Beck's admitted handwriting.

9. tomorrow

From exhibit to Ada Wooding's deposition, R v Smith, 1877.

Exhibits in trials 1877, 1896 and 1904; and admitted handwritings of "John Smith" and Adolf Beck.



10. *to morrow* From exhibit to Louisa Howard's deposition, R v Smith, 1877.
11. *by-memoir* From exhibit to Fanny Nutt's deposition, R v Beck, 1896.
12. *to morrow* From exhibit to Caroline Singer's deposition, R v Beck, 1904.
13. *to morrow* From exhibit to Beulah Turner's deposition, R v Thomas, alias Smith, 1904.
14. *expenditures  
examination* Beck's admitted writing.
15. *extenuating cir-  
cumstances* "Smith's" admitted writing.
16. *Th* From letter to Nutt, R v Beck, 1896.
17. *Th* From letter to Turner, R v Thomas, alias Smith, 1904.
18. *Street Station  
Leas Co. J. W. Dr.* From Beck's admitted writing.

19. *Hessons*

From Smith's admitted writing.

20. *Light*

From exhibit in R v Smith, 1877.

21. *Imagers*

From exhibit in R v Beck, 1904.

22. *1874.*

From Beck's admitted writing.

23. *1871*

From Smith's admitted writing.

24. *1872*

From an exhibit in R v Smith, 1877.

25. *1877*

From an exhibit in R v Smith, 1877.

26. *Larceny Larceny*

From Smith's admitted writing.

27. *Lc*

From an exhibit in R v Smith, 1877.

28. *London*

From Smith's admitted writing.

29. *London*

From an exhibit in  
R v Smith, 1877.

30. *London*

From Beck's admitted  
handwriting.

31. *Petition P.S.*

From Smith's admitted  
handwriting.

32. *You*

From an exhibit in  
R v Beck, 1896.

33. *Yes* *I* *do* *to*

From Beck's admitted  
handwriting.

34. *Wine Will*

From Beck's admitted  
handwriting.

35. *Will*

From exhibit to  
Singer's deposition,  
R v Beck, 1904.

36. *We*

From exhibit to  
Turner's deposition,  
R v Thomas, alias  
Smith, 1904.

37. *Wednesday Wednesday*

From exhibit in  
R v Smith, 1877.

38. *A Beck*  
*Trans. Bu* From Beck's admitted handwriting.
39. *Bank* From an exhibit in R v Smith, 1877.
40. *Bank* *Beck*  
*No* From an exhibit in R v Beck, 1896.
41. *charge* From Beck's admitted handwriting.
42. *charge* From Smith's admitted handwriting.
43. *Wording.* From an exhibit in R v Smith, 1877.
44. *and and* From Smith's admitted handwriting.
45. *and* From Beck's admitted handwriting.
46. *March 15<sup>th</sup> Mr* From Beck's admitted handwriting.

47. *My dear Mrs* From an exhibit in  
R v Smith, 1877.
48. *My dear Miss* From an exhibit in  
R v Beck, 1904.
49. *My dear Mr* From an exhibit in  
R v Beck, 1896.
50. *spirit see* From Beck's admitted  
handwriting.
51. *severe small  
sentence* From Smith's admitted  
handwriting.
52. *Light Street* From an exhibit in  
R v Smith, 1877.
53. *nee. -  
.ent. -* Full stop and dash  
from admitted writing  
of Smith.
54. *clock. -* Full stop and dash  
from exhibit in R v  
Smith, 1877.
55. *o'clock. -* Full stop and dash  
from exhibit in R v  
Beck, 1904.

# THE TRIAL

WITHIN THE

CENTRAL CRIMINAL COURT,

OLD BAILEY, LONDON,

TUESDAY, 3RD MARCH, 1896.

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*Judge—*

SIR FORREST FULTON

(Common Serjeant.)

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*Counsel for the Crown—*

MR. HORACE AVORY.

MR. GUY STEPHENSON.

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*Counsel for the Prisoner—*

MR. C. F. GILL.

MR. E. PERCIVAL CLARKE.



## First Day—Tuesday, 3rd March, 1896.

Adolf Beck was indicted for unlawfully obtaining from Fanny Nutt two gold rings; and from other persons other articles by false pretences with intent to defraud.

The prisoner pleaded "Not guilty."

### Opening Speech for the Crown.

Mr. HORACE AVORY—My lord and gentlemen of the jury, the allegations in this case are that the prisoner has systematically got himself up in swell clothing, and with a great amount of discrimination, has accosted ladies in the street, generally at the West-End, calling them "Lady ——," mentioning some name. He would then state that he had made a mistake, but, continuing in conversation, succeeded before he left in obtaining the address of the lady he was speaking to, and a permission that he might visit her the next day. He introduced himself in most cases as the Earl of Wilton. In some cases the lady would receive a telegram from the man, and this was followed by a letter from him purporting to be written from the Carlton Club or the Grand Hotel. It is suggested that the accused was in the habit of using the smoking-room of that hotel. In several cases he represented that he had a large establishment at St. John's Wood, and that, having quarrelled with his house-keeper, he was desirous of finding another lady to take her place. He would then tell the lady that she was suitable to take the vacant position, and he would give her a list of dresses that she must purchase to make herself properly presentable, and he would then present her with a cheque for a considerable sum of money, ostensibly to get the necessary things. He would next inquire as to the woman's jewellery, and then, under various pretexts, take what jewellery they had away with him. In one instance jewellery to the value of £150 was taken away. The cheques which he gave were all fictitious. One of the ladies recognised the prisoner as he was leaving his rooms in Victoria Street, Westminster, and gave him into custody.

It is not to be expected that any of the stolen property would be found in the prisoner's possession. Of course he would get rid of it at once. You would not expect the prisoner to go about with a pair of elephant's tusks under his



# Adolf Beck.

**Mr Horace Ivory**

arm and a row of medallions and rings round his neck. As to the prisoner's absence abroad in October, 1895, no offence is alleged in that month.

I understand there will be no dispute as to the facts, the defence being that it was a case of mistaken identity. It may not be necessary to mention the names of the witnesses.

**Mr. GILL**—I do not desire to have the names, as they do not affect my case in any way.

**The COMMON SERJEANT**—It is quite a new suggestion that a person coming forward as a witness should refrain from giving his or her name, and I must confess that I should require the authority of the High Court to induce me to alter the practice of the Court in this matter.

**Mr. AVORY**—I do not press the point, as the difficulties, perhaps, are not quite the same as they were when the witnesses were before the Magistrate.

**The COMMON SERJEANT**—I can quite understand that at the preliminary inquiry it might not be desirable to disclose the names, but this is the final inquiry.

## Evidence for the Prosecution.

**FANNY NUTT, examined**—I am a widow. In December, 1894, I was living in Delancey Street, Regent's Park; my husband had been dead then not quite twelve months. About six o'clock on Monday evening, 2nd December, I was in Bond Street, dressed in widow's weeds, when the prisoner came up and said, "You must be a very young widow?" I said, "I am; I am only twenty-one." He said, "Tell me all about your husband and how he died." I told him all about him. He eventually asked if he might call. I wrote down my address and gave it to him; I said I was not in the habit of receiving gentlemen, but he might call, as he said he would be such a friend to me. He said he could not stop and talk to me that evening, as he was going to a grand dinner, but that he would write and let me know when he would call. I was talking to him for about a quarter of an hour. He did not give his name.

Next morning I received this letter. [This was on paper with the printed heading, "Grand Hotel, London," and stated, "Please expect me to-morrow, Tuesday, between one and two o'clock."] Next day, between one and two, the prisoner drove up in a cab. I let him in; he took off his coat, and sat down in a chair by the fire. He said he had got a nice house in St. John's Wood; would I like to be his house-

## Evidence for Prosecution.

Fanny Nytt

keeper that he was just sending the lady who had been living with him away to Coventry; she had no money whatever, and he was not going to give her any; she had got about £8000 worth of jewellery which he had given her; that he would give me £5 a week to begin with, to be increased to £10 if everything went on satisfactorily; that he had estates in Lincolnshire, and he would be having some grapes sent him next day, and would forward me some. I was to give up my apartments. He wanted to go away in his yacht to the south of France before Parliament sat, and was anxious to get me settled before he went. His umbrella had a rather massive silver top, with some monogram or initials on it. I thought he was quite a gentleman; he was dressed as such. He said he would make out a list of dresses I should get, because I must leave off my mourning. He said he would give me some jewellery; I gave him my writing case, and he wrote out list (Q) of dresses and other things. I did not suggest the items to him. He made out a list of jewellery; I was to have rings, brooches, bracelets, and a watch; he took that list away with him.

He specified the various shops at which I was to get the things. He gave me a cheque for 15 guineas, with which I was to pay a deposit of £10 at Redfern's. He had two cheques, one for £10 10s. and the other for £15 15s., in his pocket, already written. [The one produced was on a promissory note form.] He put it into an envelope, and addressed it in my presence to the Union Bank, Belgrave Mansions. I did not see him write anything on the cheque. I said, "Could I not get it changed without going to Belgrave Mansions 'as it was such a long way off?" He said, "No, it would not do for a gentleman in my position to have a cheque changed anywhere." I said, "I cannot get there to-day." He said, "The bank keeps open to six o'clock at Christmas time." He asked me what jewellery I had. I told him not much; I was wearing my rings. He said he must have a ring for the size of my finger; he wanted one to take away for my size, and he would buy me a more massive wedding ring. He took my wedding ring for the size, and another one; I was wearing two of my husband's rings at the time on my little finger. He put the two rings into an envelope and put them in his pocket. He said he would return them about five o'clock by a commissionaire with one arm, from the Grand Hotel. The value of the two rings would be about £5 or £6. He said he would call again the following Thursday to make final arrangements. He took a brooch, worth about £1, from my dressing table without my knowing it; I missed it after he had gone. Later in the day I saw

## Adolf Beck.

Fanny Nutt

my brother, and showed him the cheque; and, in consequence of what he said, I never presented it. I did not communicate with the police; my brother said it would be no good.

In January my brother showed me a newspaper report, in consequence of which I went to Westminster Police Court on 19th January, without previously communicating with the police. I went straight into the Court, and found the prisoner standing in the dock; I saw his back; I should know him among a thousand. I recognised him at once; I am quite sure he is the man.

*Cross-examined*—The newspaper I saw was the *Evening Standard*, when the man was first charged, two or three weeks before I went to the Police Court. There was a full account of what he was charged with. I read two or three accounts before I went to the Police Court, and knew a man was in custody charged with doing what I complain of to some one. I only read accounts in the *People*, which is not illustrated, and the *Standard*. I am very angry with the man who took my wedding ring; it was a most heartless thing to do. I was dressed in widow's weeds when I met the man in Bond Street. I talked to him for ten or fifteen minutes, standing in the street. I was looking at some pictures in a window, I think. He had never seen me before, to my knowledge. I never knew his name; he was to come on the following Thursday. At the interview on the following day no one else was present. I was not excited at all; I listened to what he had to say. I was perfectly calm and collected then and the day before. He was very well dressed; his clothes were very good. He was a middle-aged man, with slightly grey hair. He looks ten years older now. I could not say if he faced me when he spoke to me in the street. He had light hair, tinged with grey. He had no rings. He had a watch and chain, apparently gold. He took out the watch and looked at it; it was rather a massive chain. I let him out, and shut the door. I identified him by his back at once at the Police Court. I was quite sure of him, and always have been. I never identified any one before. I have not seen my property since. One of the rings had "Love and Friendship" engraved on it. The brooch was made out of a five-shilling piece, enamelled, with the date, 1922. With the exception of the wedding ring, the property could be easily identified. I heard one lady give evidence at the Police Court. I was there four times altogether. There was nothing peculiar about his dress, except the watch and chain. I saw him write the whole of this list; he wrote quite freely. He said the lady who was retiring from the position had £8000 worth of jewellery.

## Evidence for Prosecution.

Fanny Nutt

*Re-examined*—On this list bonnets is spelt “bonets.” I was sitting at the table when he wrote it; I was not looking at him all the time. When he spoke to me in Bond Street he had on a blue overcoat with a velvet collar. When he called the next day and took off his overcoat, I saw he had a black frock-coat underneath. I did not notice if he had patent boots. He wore fawn-coloured spats. The picture shop I was outside in Bond Street was well lighted. I saw his face well. When he called he was with me from one to one and a half hours. He does not look older now than when I first saw him at the Police Court; I do not think he looks quite so old. I think he looks better this morning. He does not look quite so worried. Since he has been in custody I have only heard him say, “No,” or “Leave it to Mr. Dutton.” When I met him in Bond Street, and when he called, I thought he was English; he might have had a slight foreign accent. I have not heard him speak since he has been in custody, so as to say one way or the other.

FRANK COOPER, examined—I am smoking-room waiter at the Grand Hotel, Charing Cross. I have been there nine years. I have known the prisoner by the name of Mr. Beck for the last six years as a visitor to the Grand Hotel, using the smoking room; in that room there are writing tables and materials. Printed notepaper and envelopes are supplied to visitors without charge. Any one in the room can sit down and write. I have not seen the prisoner write, but he may have done so. He came, perhaps, twice in a week, and then he would not come for perhaps two months, during six years. I last saw him there in September or October, 1895. I went for a holiday at the latter part of August and beginning of September. I saw him on my return. This was the notepaper and envelope in use at the Grand Hotel close on the beginning of 1895. The Victoria Hotel, which is given among the list of hotels at the head of the notepaper, was taken over by our company on 1st January, 1895. I did not notice that the postmark on the envelope is 3rd December, 1894, for some time before the company proposed to take over the Victoria, and I believe they were carrying it on before 1895.

*Cross-examined*—I never saw the prisoner writing.

MARION TAYLOR, examined—In the early part of January, 1895, I was living at Morton Place, Pimlico. On the first or second Saturday in January, about 4 p.m., the prisoner addressed me in the usual way, and asked me if he might call, and I gave him my address on a dirty envelope. He said he

# Adolf Beck.

Marion Taylor

would call the next afternoon. He did not tell me his name. The same evening I received a telegram, signed "Wilton, Carlton Club." "Shall call upon you at four o'clock." Next day, Sunday, he came punctually at four, and stayed about two hours, I should think. I gave him tea. He told me he had a very nice house at St. John's Wood, that he had quarrelled with his mistress, and should like me to be at the head of his establishment. He said, "You are nicely dressed, but certainly not well enough for my establishment." He said he had an estate near Horncastle, in Lincolnshire. He asked me what jewels I possessed; I had not many. He made, in my presence, a most elaborate list of dresses, and everything. I was to get them at Redfern's. He said, "Now, I will write you a cheque for £25; you pay so much at Redfern's, and keep the balance for yourself, and I will pay Streeter's, and send the diamonds down." He said, "Of course, you must have some rings." He took from me an ordinary old buckle ring for the size; it was not mine. He said the jewellery would be brought by a commissionaire, and my ring would be sent back.

He wrote out in my presence a cheque for £25 on a form like this promissory note form. The cheque and list are lost. He signed the cheque, but I could not read the name; it was all scribble. He never told me his name was Wilton. I said to him, "You are not English." He said, "No, I am a German." There was on my mantelpiece a little statuette of Goethe. He said, "What do you know about Goethe?" I said to him, "Well, I am educated," and we got into conversation. The cheque was on the Union Bank. He told me I should find the branch of the bank opposite Marlborough House. I did not find it. I went to the nearest branch of the Union Bank I could find, and got nothing by it. This list (Q) is like the one he gave me, and the writing is the same. As he was leaving, he said "Have you any silver?" He wanted it for his cab, it was Sunday night. I gave him 9s. He said he should come at one o'clock next day with the commissionaire, with the diamonds. I afterwards went to the Carlton Club, and inquired for Wilton, but got no satisfactory answer. I did not see him again till, on 2nd January, 1896, I went to Rochester Row Police Court, in consequence of seeing his case in the paper, and picked the prisoner out of eleven or twelve men without the slightest difficulty. I am quite sure about him.

*Cross-examined*—There was no one there a bit like him. They were all respectably dressed. I saw one man, whom I have seen driving a coach. I cannot say if the prisoner was the only man of the eleven or twelve respectably dressed.

## Evidence for Prosecution.

Marion Taylor

I was looking into a jeweller's window when the prisoner spoke to me. I did not keep this matter to myself. I was only about five minutes with him in the street. When he came the next day, I thought he was very nicely dressed. He had on a black coat and a covert coat. He had on a waistcoat with a white lining that showed beyond the waistcoat. He had patent boots, white spats and grey trousers. I cannot say if he had a watch and chain. I did not give information to the police. I afterwards read the prisoner's case in the *Daily Chronicle*. I went to the Police Court for revenge. I had read no description of the man in custody. The prisoner is the living picture of the man I saw. He was a middle-aged man, with grey hair, as the prisoner's is, I am sure. There was no mixture of any other colour in his hair. He looks very much older now. The man I saw was not perceptibly younger than the prisoner. The ring I gave him I borrowed from my landlady; it was not a very valuable one. I gave her the documents to hold for safety; I cannot keep anything. The prisoner wrote with rather a cramped hand. I watched him write the list. I took an interest in it. I was greatly excited.

*Re-examined*—In writing the cheque, when he came to the signature, he wrote backhanded. I did not notice how he held the pen. I have not had an opportunity of hearing him speak since he has been in custody, except a word or two on the last hearing.

EVELYN EMILY MILLER, examined—I live at 17 Park Village East, Regent's Park. About 5 p.m. on 28th January, 1895, I was in Bond Street, when the prisoner said, "Did not I meet you at a ball last night?" I said he might have done so, but that I did not remember him. He said he was sure he had met me, and that he would be delighted if I would allow him to lunch with me at my house next day. I said he might. He said he was not quite sure whether it would be the next day or the day after, but that he would send me a telegram in the evening, signed "Wilton, Carlton Club." I gave him my address, and we separated. The same evening I had a telegram, signed "Wilton, Carlton Club," stating that he would be with me at two to-morrow. He came at two next day, and had lunch with me. He said he had a house in St. John's Wood, and the lady who had been acting as his housekeeper had just left. I asked who he was, and he said he was the Earl of Wilton. I said I would consider whether I would go to his house in St. John's Wood. He offered me the position; he said he would come a day or two after and arrange details; that after the sitting

# Adolf Beck.

Evelyn Emily Miller

of Parliament he was going on a trip to Italy, and would like me to go with him, and that I should want a new outfit. He asked for a piece of paper, in order to give me a list of dresses. I gave him the paper and he wrote out a list, which has been destroyed. He composed it himself, it was like *this*, and in writing like *this* (Q). The tailor-made dresses I was to get from Redfern, and the other gowns from Russell & Allen. He said I should have to pay something on account, and he would give me a cheque. He took a cheque book, in which there were not many cheques, from his pocket, and filled up this cheque for £30. [This was on the Balham branch of the London and South-Western Bank.] He said I could cash it at the South Belgravia branch. I gave him an envelope to put it in, and he sealed it up and addressed it.

He said also that he would give me some jewellery, and asked me to let him have one of my rings to get the size of my finger. I asked him to take the size in cardboard. He said he preferred having the ring. I was wearing some rings, but I did not care to part with them, so I borrowed a diamond horseshoe ring, worth £7 or £8, which I gave him. He was with me about one and a quarter hours. Before he left he said he had a pensioned-off coachman who lived near me, and he wanted to take him some money, and he had not any change. Could I lend him £2? I believed about the pensioned coachman, and lent him £2. He said I could deduct it out of the £30 cheque. He said a commissionaire would bring the ring back that evening. The ring did not come. I did not see the prisoner again until lately. I took the cheque to Sloane Square, and was referred there to the Balham branch of the London and South-Western Bank. I presented the cheque there, and it was dishonoured and returned. I then went to Albany Street police station, and reported what had happened, and described the man who had robbed me. At the beginning of February this year the police came to me. I went to Westminster Police Court and saw the prisoner with a number of other men in the Court yard, and identified him at once without difficulty. He wrote both the body and the signature of this cheque in my presence. He spoke with a slight foreign accent.

*Cross-examined*—The description I gave at the police station was of a man aged about sixty, 5 feet 4 inches, hair and moustache cut short, almost white, dressed well, speaks with rather a broad accent, and evidently a gentleman by education. When I went to identify the prisoner I knew a man was in custody of whom it was said he had committed similar offences. I had read the case in the newspapers; I

## Evidence for Prosecution.

Evelyn Emily Miller

have a good memory; I did not take a very great interest in the case; I took an interest in it because I wanted to get the ring back. I had attended the Police Court to identify the prisoner before I gave evidence. There was one man in the yard like the prisoner, but a stouter, bigger man. I could not give a description of him, or of how he was dressed. The case was being heard that day. I did not go into Court. I saw the case in the *Daily Telegraph*, not in the Sunday papers, or the *Daily Graphic*. I read the whole case. The man wrote freely, without difficulty. The ring I gave him could be easily identified. The man who spoke to me in Bond Street was an utter stranger to me; he would answer to the description of an oldish man with grey hair, and well dressed. He was about five minutes with me in the street. He might have met me at the ball. I thought he might have danced with me.

*Re-examined*—It was a Covent Garden fancy dress ball, with masks and dominoes. Some of the men wear masks and dominoes. The prisoner had on a black waistcoat with a white lining showing, it might have been a double waistcoat, and a frock-coat. I saw him at the Police Court when I gave evidence, and here to-day. I have no doubt about his being the man.

ALICE SINCLAIR, examined—In February last I lived in Upper Baker Street. On Saturday, 16th February, about 1 p.m., I was passing with my sister through Ludgate Hill, when a man, who, to the best of my belief, is the prisoner, came up and asked me if I was waiting for an omnibus. After a little conversation he asked me for my address, and I gave it to him. He asked permission to call on the next day. He called the next day about two. He was announced as Mr. Wilton. He came into the room; and said he was the Earl of Wilton. He sat talking to me for three-quarters of an hour. He wrote me out a list of dresses, and asked if I should like to dine with him. He said he had a house in Abbey Road, St. John's Wood, and asked me if I should like to go and stay there with him, and if I should like to go and dine with him on the Tuesday. He said it was a very nice house, with good conservatories, and plenty of servants, and the best of wine. He proposed that I should dine with him there, to see how I liked it, on the Tuesday. The list of dresses he wrote out is at home. (The witness was directed to fetch it at the conclusion of her examination.) The handwriting was the same as this (Q). I was to get the dresses at Redfern's, the riding habit at Cobb's, in Baker Street, a well-known shop; I believed I was to go to Norman's in



## Adolf Beck.

Alice Sinclair

Victoria Street for boots. He gave me a cheque for £40. I was to pay a deposit for some of the things and keep £5 for myself. I was to give his name, the Earl of Wilton, at the shops. He tore the cheque from a cheque-book, and wrote out the whole of it and signed it; he kept his hand in front that I should not see. [This was a cheque on the Balham branch of the London and South-Western Bank.]

He said I wanted some rings, and that he would buy me a half-hoop diamond ring and a marquise ring, and asked me to give him rings for the sizes. I asked if he could not do it with a piece of cardboard. He said no, surely I could trust him with my rings, and I gave him a wedding ring and a plain foreign gold ring. He said they would be sent back to me by a commissionaire from Streeter's. He talked about taking me away in his yacht to the Riviera. Next morning I took the cheque, which he had put in an envelope and directed to the bank at Belgravia Mansions. I saw no London and South-Western Bank there, and I opened the envelope and went back home. I afterwards sent the cheque to the London and South-Western Bank; they refused payment, and kept it. On 2nd January the police fetched me to Westminster Police Court, where I picked out the prisoner from about a dozen men. I thought at the time of our conversation that he was not an Englishman.

*Cross-examined* by Mr. GILL—I made no complaint to the police; I believe they came to me from seeing my name and address on the cheque. The only woman who has given evidence that I knew before this case was Miss Taylor; I saw her about five or six years ago. The first day I met the prisoner I was with him about two minutes; my sister saw him, she does not live with me. I saw this case in the papers about the day after I was subpoenaed; I knew there was a man in custody, and if he was at all like the man I had seen he must have been an elderly man with grey hair; the prisoner looks slightly thinner now; he looks altered since I saw him at the Police Court. I am pretty well sure he is the man; to the best of my belief he is the man; I recognised him among the other men; they were not the least like him I am quite sure. There was one other man, oldish, with grey hair, and well dressed. I think I gave the detective a description of the prisoner when he brought a subpoena to me. I did not think the Earl of Wilton was a foreign title; he told me he had travelled a good bit; I thought he was a gentleman, and I took his word who he was. I was not excited during the interview. I believed his statements. I should have no difficulty in identifying the rings I parted with. He was remarkably well dressed, with spats, a black frock-coat; I

## Evidence for Prosecution.

Alice Sinclair

think he had no overcoat. It was a very fine day when I was waiting for the omnibus. I could not say if the next day was fine; he had no overcoat. He had a black satin tie, with a large pearl pin, and something white inside his waistcoat. My sister had not seen him since the Saturday. He wore white spats; I cannot say if he had patent boots. I don't know if he had a watch and chain.

*Re-examined*—He looks slightly thinner now, and his moustache is not waxed, as it was before. He looks about the same age. He looks thinner than when he was at the Police Court, his moustache is the same as it was there; apart from that he looks the same now as he did in February. I had no communication with Miss Taylor before I went to the police station and identified the prisoner; I was the first to identify him, and she was the last, and I was very surprised to see her. I did not help her, and she did not help me, to point him out.

By Mr. GILL—The man held his pen backwards; when he wrote the lists of dresses he wrote very freely and without difficulty, but very indistinctly. There were five or six women at the Police Court to identify the prisoner when I did so. We went in one by one; I first, and then I saw the others come out. The detective asked me if I would go and identify the man. I touched him with my umbrella. I only hesitated because I did not care about doing so. I did not touch any one else, only the one man, who was the prisoner.

ETHEL ANNIE TOWNSEND, examined—I am a widow. In March, 1895, I was living in a flat in Shaftesbury Avenue. On 6th March I was walking with my little daughter in Piccadilly about 1.15 p.m., when the prisoner asked me if I was Lady somebody (I do not remember the name he used); I said I was not, unfortunately. He asked me then where I was living, and if I knew Lord Aberdeen. I said I did, but I knew his brother better. I thought by that I knew the prisoner, and had met him at dinner somewhere. He said he had just come back from Canada, that he had been staying with the Earl of Aberdeen, and should like to talk to me about him, and he asked if he might call. I said "Yes," and gave him my card; he did not say who he was. He kept his handkerchief to the left-hand side of his face the whole time he was speaking to me, about three minutes, as if he was trying to conceal his face; and when he came to my flat he did the same thing. He said he would call at four the next afternoon. He came about 3.40; my sister let him in, and he came into the drawing-room. He did not keep his handkerchief to his face the whole time, only while my sister was

# Adolf Beck.

Ethel Annie Townsend

letting him in, and part of time he was with me; he stayed about twenty minutes. He said he was Lord Winton de Willoughby. He asked why I lived alone in a flat. I said I had an income, and wished to do so. He asked me if I would prefer to live in St. John's Wood. I said I should very much like it, but I should want to know something about him first. He said he had a little house there, with, I think, twelve servants. It was standing empty at the time, with the exception of the servants; that he had a carriage and pair, and a wine cellar, and everything requisite, but no lady in possession, and that he would call and take me to see it. He said he did not think I was dressed sufficiently well, and he wished to buy me some new clothes and diamonds, and he wished me to write a list of what I wanted. I wrote the list, which he dictated to me; he said I was to get some of the things at Redfern's. I destroyed the list about two days after, finding he did not return. He said he would give me £150 to go on with. I saw him write out this cheque for £120; he put it in an envelope and sealed it.

He said he would send me some jewellery from Streeter's, and asked me for a ring for the size of my finger; he promised me a few diamond rings. I gave him the only ring I had on at the time, my wedding ring, for the size. He said the ring would come back by a commissionaire with one arm. He said he would make an appointment with me as to the house in St. John's Wood in two or three days' time. He looked at a thick gold curb bracelet I had on, and said he thought it ought to be set with a diamond in the padlock. I gave it to him. He also took my sister's bracelet from the table to have some dents knocked out. He took an ostrich feather fan, that had cost fourteen guineas, to have it mounted with turquoise, and a pair of elephant's tusks (I have seen a similar pair worth fifty guineas) to have mounted as an inkstand, and a hand-painted porcelain photograph of myself. I left the room to get him some tea.

Two or three hours after he had gone I missed some tigers' claws, and the teeth of an animal mounted in silver with my monogram, they had all been in the room in which he had been sitting. I valued the property he got from me at £180, but it was worth more. Next day I took his cheque to the bank at Balham. I was asked to put my name and address on it; the bank kept it, and it was dishonoured. Two days afterwards I communicated with the police at Vine Street, and gave a description of the prisoner and the name he had given me.

I did not see the prisoner again till I saw him at the Police Court on 23rd December. The police came for me, and I

## Evidence for Prosecution.

Ethel Annie Townsend

went and saw thirteen men in the yard of Westminster Police Court, and I at once recognised the prisoner. Immediately I heard him speak I was doubtful, as he spoke in my flat in a Yankee twang, and in the Police Court with a foreign accent; I thought it was Swiss. His hands, hair, and feet are the same as I noticed before; he is the same man.

*Cross-examined*—I thought I might have met him in India, where I had been for eleven years; I did not recognise him. I heard him say at the police station that he had never seen me or any of the women, except one who gave evidence against him. When I heard his voice I said I did not think he was the man. The man I saw was oldish, with grey hair. I have seen some oldish men with grey hair, and well dressed, in Piccadilly. I believe the man who spoke to me to be an Englishman. He made up the things he took away into a parcel; they were not very large. Not one of the articles was found in his possession; I could identify them. Of the men I saw him among afterwards no one was like him. He seemed to write freely; I did not watch him; his back was towards me. My sister let him in when he called; but it was very dark, and he had his handkerchief to his face. The man who spoke to me in Piccadilly had a black overcoat with a velvet collar, and spats. I am not quite sure whether he had a little white lining to his waistcoat. I read this case in the paper. I had not heard that four or five people had given evidence before me, describing the same sort of frauds; I thought I was the first one that went to Vine Street. I had spoken to the police before I read the case in the papers. I don't remember reading the case; I may have done so. He gave the name of Winton de Willoughby. I described him as about fifty-three. I did not say he wore a yellow and black striped muffler. He had no whiskers; his moustache is the same now as then. He looks just the same now as then. He had what appeared to be a gold watch and chain. I did not notice any ring on his finger. I gave the police a full list of my property, and described it.

*Re-examined*—When I first saw him at the Police Court he was wearing an overcoat the same, I believe, as the man had worn. When he came to me he had fawn-coloured spats on. At the station I heard him speak in a foreign language to the interpreter; it was not French; it might have been Norwegian; I did not understand it. When he called on me he only talked on the one subject. I felt he wanted to get away as quickly as possible; he fidgeted, and he did not drink the tea that was prepared for him. I made the things up into a parcel for him.

ALICE SINCLAIR, recalled and re-examined—This is the list the prisoner gave me; I have just fetched it.

# Adolf Beck.

Minnie Lewis

MINNIE LEWIS, examined—In April, 1895, I was living at 3 Charlwood Street, Pimlico. Miss Allen lived in the same house. Before 3rd April I had seen the prisoner coming to the house to see Miss Allen; I knew him by sight. On 3rd April he called to see her; I answered the door, and told him she was not at home. I recognised him as the man who had called before. He asked to be allowed to write a note to her. I took him into my room for that purpose, and fetched him notepaper and envelopes. He asked me to sit down and talk to him. He told me he wanted to do some good for Miss Allen; he considered for a few minutes, and then said he would not write to her. He told me he would like me to be his housekeeper at St. John's Wood; the one he had had before was always intoxicated and he had had to send her away; and that he was Lord Wilton. I had not known him by any such name before. He told me I should have to have a lot of dresses, and that he would have me taught riding. He wrote out and gave me a list of things I wanted; I have destroyed that list. It was the same as *this* (Q), and the writing was the same. Some of the things I was to get at Redfern's. A riding habit, which I was to get at Cobb's, I think, was on the list. I heard of Cobb's, in Baker Street, as a great riding-habit maker. Miss Allen is not still living with me.

He spoke about jewellery, and asked for a ring, for the size of my finger, and said he would send me several rings by a one-armed man. I gave him a gentleman's signet ring, which I was wearing. He wrote out this cheque for £30 on a sheet of notepaper in my presence, enclosing it in an envelope, sealing it, and addressing it to the Union Bank, St. James Street, and gave it to me to pay for the things. He left, saying he would write and make an appointment for going into the house at St. John's Wood. The same day I went to St. James Street, but could not find the Union Bank; I found a branch at Charing Cross, and presented the cheque there, and one of the clerks took me to Scotland Yard, that I might give information about the cheque, and I gave information of what had happened, and a description of the man who had visited me.

In January or February the police came to me, and I went to Westminster Police Court, where from about fourteen men I picked out the prisoner. I have not a shadow of a doubt he is the man. In writing the cheque, when he came to the signature he altered his hand, and wrote backwards.

*Cross-examined*—The man who called had no marked peculiarity that I can mention. He had a gold watch and chain, and patent leather boots. I had not the least difficulty in picking out the prisoner. I described him to the police

## Evidence for Prosecution.

Minnie Lewis

as fifty-five or fifty-six, five feet high, or a little more, with a tall hat, a black coat and vest, bluish striped trousers, patent boots and spats. I cannot remember if I said he was five feet eight inches; the constable asked me if he was about as tall as the man from the bank, and I said "Yes." I could easily identify my ring again; the man's chain had a seal with a crest attached. He wrote freely. I read the case in the newspaper before I went to the Police Court, and I knew a man was in custody charged with having done this sort of thing. Among the fourteen men, no one else answered by description except the prisoner. Miss Allen left the following week, and I don't know where she is; I do not know where she came from, or anything about her; she had lived in the house about five weeks.

*Re-examined*—The prisoner had visited her for about three weeks before 3rd April. I had seen him about three times during the three weeks; I saw him coming in and going out; I had not opened the door to him, or spoken to him, before 3rd April. The cheque and the list are the only things I saw him write; he seemed to write freely. He wore brown spats. When I saw thirteen or fourteen men in the yard, I went up to the prisoner without hesitation, and said—"This is the man."

JULIETTE KLUTH, examined—I live at 5 Harwood Road, Walham Green. In March, 1895, I was at Olympia with my little sister, between 3 and 4 p.m. After the performance the prisoner came up and spoke to me. I gave him my address at his request. Next day, 1st March, he called; he said he kept a large place in St. John's Wood, and asked me if I would come and see him one day; he said that he had some more friends there, and would I give them some music. I said I did not mind, as I had nothing to do during the afternoon. I am a professional artist. I think he told me he was the proprietor of a mine somewhere, and had plenty of money. I noticed by his speech that he was not an Englishman. I am a Belgian by birth. When I said I would come and see him he told me I was not dressed well enough, and he wrote me out a list of clothes. I burnt the list, which was like *this* (Q), and in the same handwriting. I was to go to Redfern's for some of the things, and to Regent Street for the boots and shoes. I said I had not enough money to get the things. He said—"Very well, little woman, I will give you a cheque," and he wrote out this cheque for £20. [This was on a promissory note form and addressed to the Union Bank.]

He signed it and put it in an envelope, which he sealed with wax. He told me I was not to open it, but to take it to

# Adolf Beck.

Juliette Kluth

the Union Bank, Belgrave Mansions, just as it was. He said he would give me some jewellery, and asked for one of my rings, to take the size of my finger. I gave him a ring with three little diamonds. He said he would return it with three other rings by a one-armed messenger in about an hour's time. He was with me for about an hour. He said he would write to me when I was to come to his place. I never heard of or saw him again. I went to Belgrave Mansions next day, but could find no bank there.

I saw this case reported in a newspaper, and I wrote to Scotland Yard, enclosing the cheque. I gave a description of the man. On 2nd January I was asked to go to the Westminster Police Court. I there saw about eighteen men, and among them I recognised the prisoner at once, as soon as I put my foot in the yard.

*Cross-examined*—I saw the case in the *Weekly Times and Echo* before I went to the police station, that a man giving the name of Lord Wilton was charged with committing this sort of fraud in connection with women. I think the signature on the cheque looks very much like Wilton. I read in the paper that the man charged was the proprietor of a mine. I described the man to the police as about fifty, short, broad shoulders, no beard, and a long moustache. The only peculiarity I noticed about him was his foreign accent. I mentioned that to the police at the time. About ten other women were at the Police Court to identify him when I went there. I went in about third, I think. When I came out I said I had identified him at once. I looked at the other men before identifying the prisoner. There was no other oldish, short man with grey hair there; no one like it. I knew there was a man in custody who answered the description of an oldish man, with grey hair, and well dressed. The man I met at Olympia had patent-leather button boots, and a large gold watch and chain. I did not notice if it was a hunting watch. I did not say it was at the Police Court. I have no idea what a hunting watch is. Some one from Scotland Yard came to see me after I wrote, and took a statement from me. I do not know whether I could identify my ring. The man wrote quickly. Three of the other witnesses were at the Police Court the day I identified the prisoner. We talked about the case a little. I was a bit angry.

*Re-examined*—When he called upon me his moustache was longer and waxed at the ends. When I first saw him at the Police Court it was not waxed. When he first spoke to me at Olympia he spoke in French. I speak French very well. Afterwards he said I spoke English very well; I said I was not an Englishwoman; he said I spoke English as well as any

## Evidence for Prosecution.

Juliette Kluth

English people do, pretty near. He did not tell me his nationality. I know the difference between German and French accents; his was more French than German when he spoke English. I could not say whether he spoke French as if he were a Frenchman, or had acquired it. I have never, to my knowledge, been in conversation with a Norwegian. He only spoke a few words to me in French.

KATE BRAKEFIELD, examined—I am married. I am a music-hall artist. In June, 1895, I lived in a flat at Uperne Road, Chelsea. On Saturday, 22nd June, I was walking down Sloane Street in the afternoon. The prisoner followed me, and, after a while, came up and said he followed me because I had small feet. It led to conversation, and ultimately he asked me where I lived. I told him my profession. He asked me what instrument I played. I said, "The mandolin." He said he would like to come and hear me play. I arranged for him to call the next day and hear me play.

Next day, Sunday, he called. He asked me where I had been. I said to Wilton Crescent. He said he was Lord Wilton, and that all that property round there belonged to him. After a little conversation he asked me for a sheet of paper to write out a list of costumes which he was going to buy me; he said he had so much money he did not know what to do with it. I got some notepaper and an envelope for him. He wrote out this list (F) of dresses and other things I was to get. He put the name Redfern at the top, and told me to get the dresses there. He gave me a cheque for £30 to pay for the costumes, and one for £20 for myself to spend till he came to see me again. He arranged to come the following day. He put both cheques into one envelope and addressed it "Union Bank, St. James's Street." I asked him why he did not endorse the cheques across the back? and he said, "Oh, I am known so well, you have only to hand them in and you will get the money." I did not notice that the cheques were drawn on bill of exchange forms. He said I was not to look at the cheques, and he sealed them down and put them under a large book.

He asked me to take some of my rings off for the size, as he would get me some fresh ones, and I gave him for that purpose a diamond and turquoise ring, and a ruby ring worth about £10. They were presents. He said he would return them by a commissionaire with one arm, and I was to be in to take them. He said he would send them back the next day. He just tried the mandolin, but it was out of tune. He stayed nearly two hours. I was talking to him all that time. He asked me to take down large Indian medallions, with paintings



## Adolf Beck.

Kate Brakefield

of India on ivory, mounted in silver, and with plush frames, that hung on the wall, that he might look at them. They were laid on a chair. He looked at a silver belt and bangles, and said they were no good; I was to give them to my poor relations. About 3.45 I went up to see about some tea, which I was going to give him. When I came down to ask him a question, he was gone, and I missed my mandolin and case, seven silver bangles, a silver brooch, a silver belt, two of the medallions; the brooch he asked me to lend him, as it was a good design. I have seen none of those things since; I have inquired at every pawnshop, and cannot find them. Within an hour I gave information at the police station, and gave a description of the man. I did not take these cheques to the bank; I made up my mind that I had been robbed.

On 23rd December I went to the police station, having seen this case in the paper, and picked out the prisoner from seven other men. I am satisfied he is the same man. He is a little thinner in the face, and his moustache is not so military, it was then long and waxed.

*Cross-examined*—There is no doubt that this is the same man I saw at the Police Court and in the yard. I saw in the paper a man was in custody for defrauding women. I saw a very good picture of him in the paper, but not before I picked him out. The man I had seen was oldish, with grey hair and moustache, and well dressed. None of the other men in the yard answered to that description; as soon as I saw him I knew him. I took no notice of the other men. I was not the least excited on the Sunday when he called. I don't know why he was going to give me all these things. My husband was in a situation. You could put the medallions under your arm, not in your pocket. I could easily identify them. I did not show him out, and there was no one else to do so. My parlour is alongside the front door. He seemed to turn his hand a little round in writing. He had on a kind of grey check trousers and white spats, a white lining to a black waistcoat, a gold chain, a tall silk hat, and a blue thin overcoat. When I met him on the Saturday he had a grey dust coat. He had patent-leather button boots. He had a little scar by the right side of his neck, under the ear. I spoke to him about it, and he said—"Oh, don't speak to me about that, talk about the costumes, because I want to get away"; it is a little scar something like a mole. I said—"It is a singular thing; it is rather like this on my face." I have a mole there. I did not mention that to the police, nor in my evidence before the magistrate. I have spoken of it a good many times to the detective. My attention was attracted to something said in the *Evening News* about a man

## Evidence for Prosecution.

Kate Brakefield

having such a scar, and that was why I went to the station. I and three or four women were there on the same day, we went in one by one to pick him out. That was 23rd December, the day I gave evidence.

*Re-examined*—I told Constable Jeffreys about the mark on the prisoner's face. I noticed he spoke with a little foreign accent, and I asked him if he was foreign. He said he had been abroad a good deal. [At Mr. Gill's request the witness went to the dock and pointed to the angle of the prisoner's jaw as the place where she said the mark was; she said—"I do not see it now."]

DAISY GRANT, examined—I live at 44 Circus Road, St. John's Wood. On 4th July I was in St. James's Street, about 5 p.m., with a lady and a little boy, when the prisoner came up and spoke to me, and said he would call on me. He asked me if I did not remember him. I said no. He said, "My name is Wilton," and he told me to ask my young man whether he knew him. I had no young man with me, the prisoner must have followed me about and seen some one with me, as the prisoner lived in Victoria Street, and I lived then just round the corner, in York Street. I did not know the prisoner by sight. I gave him my address, he took out a pocket book and wrote it down, and said he would call the next afternoon. The next afternoon, 5th July, he called about four o'clock, and remained with me about three-quarters of an hour. I told him I did not know his name, nor did any one I knew know him. He said it was only an excuse to speak to me. He said he was Lord Wilton. He said he had a house at St. John's Wood, which was empty, and suggested that I should go to it. I said I was very happy where I was. He said he should like to buy me some better dresses and jewellery, and asked for a piece of paper on which he could write out a list. He wrote out this list. He arranged to call the following Monday to arrange matters. He said I had better pay a deposit, and he wrote out this cheque for £35, which he put in an envelope, and addressed it to a bank in St. James's Street.

He said I should want a ring, and asked me for a ring to measure the size of my finger. I gave him a small diamond ring and also a gold bracelet which was dented, and which he offered to get repaired at Streeter's. He said a commissionaire with one arm in a sling would bring them back in an hour. I fetched from another room, and showed him a marquise ring in a case; I left that in the room in which he was. I went out of the room twice, once for matches to light a cigarette, and once for a photograph. After he had gone I missed my ring out of its case; the ring is worth about £15.

# Adolf Beck.

Daley Grant

It was given to me. I valued all he took at £15, but the marquise ring I find is worth a good deal more than I said. I went to St. James's Street, but could not find any Union Bank there.

On 9th July I went to the police station and gave a description of the man. On 16th December I was sent for, and went to the police station, and there, among seven or eight men, I recognised the prisoner after he took off his hat. He had his hat on. I asked that he might take it off, and when he took it off I knew it was him. I say now he is the man. He was in my apartments three-quarters of an hour.

*Cross-examined*—I was influenced by his taking off his hat in identifying him. I could tell him better with his hat off. There is nothing remarkable about his hair; he is slightly inclined to be bald on the top of his head, but I was influenced by his whole appearance. There is a peculiarity in the shape of his face. I did not mention that in the description I gave. When I met him in St. James's Street he spoke to me first, and then to the little boy with me, "What a nice little boy." I had never seen him before. I think he must have known me, because he lived in Victoria Street. I found out at the police station where he lived. I don't know how long he had lived then at Victoria Street. I saw him write in his pocket book my address at York Street, Westminster. I know now that my name and address were not found in anything belonging to the prisoner. The lady with me in St. James's Street did not glance at the man when he spoke to me, she walked straight on; she was not with me when he called. She did not go to the Police Court. When he called he had on a frock-coat, with white lining to his waistcoat, and white spats, a heavy gold chain, and apparently a gold watch. I think he had a pearl pin; I do not remember. I described the man as between fifty and sixty, rather short, about five feet two, rather fat, with a dark complexion (I have not a good memory), moustache cut short, brown, turning grey; it was a tawny sort of moustache, with a lot of grey in it. I remembered more then than I do now. I saw his watch. He wrote everything but his name in the ordinary way; he wrote his signature to the cheque with the pen between two fingers. I did not notice him write the list so much. I was sent for an hour or two after the prisoner was arrested, and had not time to read any description of him. Miss Meissonier was at the Police Court when I got there. I had not seen her before. She spoke to me of him, asked me what I had lost and that sort of thing. None of the men among whom the prisoner was placed was like the prisoner so far as I saw. My attention was attracted to him at once. I looked round and saw

## Evidence for Prosecution.

Daisy Grant

him, and said I should not like to swear till he took his hat off. I did not notice any other man. I should not like to swear that there was another well-dressed man there. There was another man with a grey moustache, but he was too tall and had a ruddy face. Afterwards at the Police Court I heard his address and came to the conclusion that he must have followed me as he lived round the corner. When he spoke to me in the street he had on a low round hat. I cannot remember if he had on a light or a dark suit of clothes; I think it was a brown sort of coat. He was dressed quite differently when he called upon me. The things I lost I could easily identify.

*Re-examined*—I noticed when he talked to me that he was not English, and I said—"You are not English." He said he was, but he had travelled a lot. When he laughed his eyes nearly shut, and there was a certain expression which I cannot explain, but which I should know again. I noticed that when he called, and saw it afterwards at Westminster Police Court, after he had been identified. The pocket-book in which he wrote my name and address in St. James's Street was of dark-coloured leather, mounted. I did not see what he wrote in it.

OTILIE MEISSONIER, examined—I live at Fulham, and teach music. I am German. On 26th November I was passing through Victoria Street, going to a flower show, and I met the prisoner, who passed, turned back, and lifted his hat, and said—"Oh, pardon; are you Lady Everton?" or "Illington?" Then he asked my pardon, as he said he had made a mistake, and asked me where I went. I said I went to a flower show. He said it was not worth while going there, because the flowers were very poor; and as he kept ten gardeners in Lincolnshire, his flowers were much better. I said I had that very morning received a box with some chrysanthemums, and as they were very beautiful, he asked permission to come and see them. I gave him my address. He spoke in English. I remarked that he was a foreigner, and he said no, he was an Englishman.

The following day he called; my servant, Harvey, opened the door. He said his cousin was Lord Salisbury; that he had a very great estate in London, nearly all the property round West Brompton belonging to him; and that he had £180,000 a year. He proposed that I should join him and six other people in a trip to the Riviera, because I was musical and spoke several languages, I should be very useful. I speak three languages very well, English, German, and French, and Italian and Portuguese a little. At first I declined, and then I thought I ought not to throw away such a good occasion,

## Adolf Beck.

Ottile Meissonier

and I told him I might manage to go for a fortnight, but not longer. He thought my toilette was not good enough, and he wrote out this long list. I had to stop him, he wanted to make it so long. He told me to go to Redfern's. He wanted me to order a riding habit at Cobb's, of Baker Street. As it was a yachting trip, I asked him what I wanted it for, and he said when we landed he had always his own horses there. To pay for the things he gave me this cheque for £40, to open an account; he wrote out the body in my presence; I think the signature was already written. He held the pen between the second and middle fingers, and under his hand.

He thought my jewels were not good enough, and asked me to give him my bracelet to put two black pearls in; he did not like a diamond ring I had. I gave him a small ring of not much value, for the size of my finger. I let him have my watch to get the glass mended. He told me the South Kensington Exhibition of antique watches partly belonged to him. I showed him an antique watch I had, about the size of a shilling. He had it in his hand, and said he would like to exchange it for a diamond bracelet, and that he would do so later in the Riviera. I left it on the table, and as soon as he had gone I missed it, and I sent my servant after him, but she followed him to the next corner, and then lost sight of him. He left, promising to come again on the following Wednesday. As he went out he took out a pocket-book and put in it a list of articles he wanted to buy himself; opera-glass, umbrella, dressing-case, hats, and other things. It was a very good pocket-book, of morocco, I think, with initials, but he opened it so quickly I could not see the initials. He had a very good watch and a chain. He had a silver match-box, and a cigarette case, leather, I think. Altogether, the property he took of mine was worth over £30.

Immediately after he had gone I took a cab, and tried to find the Union Bank, St. James's Street, but could not. The cabman took me to a bank in Trafalgar Square, and I found the cheque was no good. I then went to Vine Street and gave a description of the man who had defrauded me. I noticed when he sat in my room he had some mark just below the right jaw, whether it was from a drawn tooth or not I cannot say. I described it at the station.

I next saw him on 16th December; I was coming along Victoria Street from the Army and Navy Stores, and I saw the prisoner standing in the doorway of 135, or 139, Victoria Street. As soon as I passed I recognised him, and I stepped up to him and he smiled. I touched his coat and said—"Sir, I know you." As soon as he heard my voice he tried to push past me into the street, and said—"What do you

## Evidence for Prosecution.

Ottillie Meisener

want from me?" I said—"I want my two watches and my rings." He used bad language to me and ran across Victoria Street, through omnibuses and cabs, to the other side. It was about 4.40, and dark, the gas had just been lighted. I followed him, and said I would not leave him till I found a constable. He went down Victoria Street, and I followed. I saw a policeman nearly opposite the new clock, close to Victoria Station; I stepped up to the policeman, but, before I could speak, he again called me very bad names, and said I was in the habit of accosting men, and had accosted him. I said—"Never mind, I give this gentleman in charge for stealing two watches and a ring, and forging a cheque for £40." He said—"Well, I never saw her in my life," or "I have never seen her before." The policeman said, as I charged him, he must take him to the station. When I saw him on that day he had on the same overcoat as when he called on me, but he had a different coat underneath. He had a frock-coat the first time, and the next time he had a short jacket. He had light spats when he called on me. When I saw him in Victoria Street he had no spats, or dark ones, and an umbrella with a silver top like this. This is the overcoat he wore (produced), it is blue cloth with a black velvet collar; as he sat in my place he put it on my couch, and I saw the lining; he wore tight brown gloves; the seams left marks on his hands.

*Cross-examined*—The first time I met him we spoke for four or five minutes; the second time for about three-quarters of an hour, or it might be a little more. He was a perfect stranger to me. His moustache was waxed then; it is altered now. I am sure about the scar or something I spoke of on the right side; it might be from a drawn tooth; it was something I could notice; I could not see it quite plainly. I see the mark on the prisoner now. [Some of the jury stated that they saw the mark described.] I gave a description of the mark as I lodged the charge. When I charged him I think he was dressed as he is now. At my place he wore a necktie with a pearl pin. I cannot say whether he had patent-leather boots when he came to my place. I could not see if they were button boots, because he had light spats, nearly white. His frock-coat had new silk facings, not worn in the least. He had a watch and chain, apparently gold. When I said to him in the street, "I know you," he said, "Pardon, what do you want from me?" And then he said, "Oh, you mean the dentist." I did not speak rudely to him, but quite calmly. I said I would follow him wherever he went. He told the policeman I was a common prostitute who accosted men. Just as I was stepping up to the constable, the

## Adolf Beck.

Ottile Meissonier

prisoner walked more quickly and said it, and then he said—"I never did see this woman before; I don't know why she follows me." He did not say—"What am I to do with this woman, who keeps following and annoying me." I went straight to the station. I could not tell what boots he had on then, or whether he had a watch and chain. I was so much upset and excited at the police station that I did not notice small details. It was 4.40 when I charged him in Victoria Street. I left the Army and Navy Stores at 4.30; it was not dark, but getting dark.

*Re-examined*—When he followed me the first day in Victoria Street he was a little shorter than me, and I saw the waxed point of his moustache sticking out below my eyes when he raised his head. His moustache was waxed when I gave him into custody. I was differently dressed, and he did not recognise me at first, but when he heard my voice he recognised me and changed entirely, and tried to pass me. When I first spoke to him in the doorway he did not appear angry or annoyed with me for speaking to him; quite the reverse, he smiled very sweetly. He did not think I was accosting him improperly.

MARY HARVEY, examined—I am the last witness's servant, and was so in November. On Wednesday, 27th November, I let the prisoner in at 1 or 1.30. He asked me for Madame Meissonier, and I showed him upstairs. About an hour afterwards Madame Meissonier came and told me to follow him, and I went to the door, but could not see him anywhere. He had an umbrella and a high hat and overcoat. I next saw him on the evening he was locked up, with a lot more gentlemen, at the police station, and I picked him out.

*Cross-examined*—No other gentleman called during the time I was with Madame Meissonier. I knew the prisoner's face when I saw him at the police station. I only saw him for about a minute in the house. I offered to take his hat and umbrella, but he took them into the dining-room.

*Re-examined*—I had lived with Madame Meissonier for a fortnight at that time.

FREDERICK EDWARDS (419 A), examined—About 5 p.m. on 16th December I was on duty in Victoria Street, outside the Royal Standard Music Hall, near Victoria Station, when the prisoner and Madame Meissonier came up to me. The prisoner wanted to know what he could do with the woman, as she kept following him about and annoying him, he said. I told him I must hear what she had to say. She said she wished to give him into custody for stealing two watches and a gold

## Evidence for Prosecution.

Frederick Edwards

ring from her house a fortnight before. I asked her if she would take the responsibility of charging him herself. She said she would. The prisoner said he did not know her, and had never seen her before in his life. I told him he would have to go to the station. He said he was quite willing to do so, and he at once went with me. The charge was read over to him there; he said he did not know the woman. Harvey came to the station and picked him out from others.

*Cross-examined*—I did not ask him for his name and address in the street. At the station he was asked for it, and he gave it as Adolf Beck, 139 Victoria Street. He was living there at the time. He had on an overcoat and high hat. I did not search him. I did not notice his boots. The inspector on duty arranged the identifications. I was there at the time. About eight or nine men were got from the street, and some from the adjoining shops; most of them were well dressed, I think. Their ages ranged from thirty upwards, I should say. Two, in addition to the prisoner, had grey hair. I think they were about the prisoner's height. One came from the shop opposite. He was not much like the prisoner in appearance; except that his hair was grey, I do not think there was any similarity in appearance. The other, who was about the prisoner's height, and with grey hair, happened to be walking past.

GODFREY CHETWYND, examined—I am a financial broker at 13A Cockspur Street. In June, 1894, the prisoner called with reference to some company in connection with a copper mine he owns in Norway. After that I wrote to and received letters from him upon that and other business matters. These are three I received from him. He was then living at the Buckingham Hotel, Buckingham Street, Strand. I had business relations and communications with him up to about 22nd or 23rd December, 1894; they were renewed afterwards. The final date I saw him was April or May, 1895. I cannot say where he was living then without referring to my books. While he was visiting my office I believe my clerk wrote some letters for him. I only know that by hearsay. The clerk is not in my employment now, and is not here.

*Cross-examined*—I believe my clerk did some correspondence for him, but I cannot say what. I saw the prisoner on and off from June, 1894, to the end of the year, and again once or twice in 1895. I never saw him with a gold watch and chain; I have heard him speak of having owned one. If he carried a watch it never attracted my attention. I don't remember seeing any jewellery about him. In December, 1894, and the beginning of January, 1895, he generally wore



## Adolf Beck.

Godfrey Chetwynd

an overcoat that I gave him; one I had worn myself. He returned it soon after the new year, 1895, or about Christmas, 1894. The beginning of 1895 was exceeding cold, and he wore a fur coat then. I knew he had a fur coat before I gave him mine. I gave him mine because he said he had no coat suitable for the season; the fur coat was too warm. I did not see him wearing a fur coat. I did not see him for some time after that. He sometimes wore a double-breasted black jacket when he came to see me. I never saw him wear a white waistcoat or a waistcoat with a white lining. I never noticed him wearing patent button boots, or white or black spats. I remember his saying his frock-coat had been turned at a tailor's. The overcoat I lent him was dark grey; it might have been taken for black. It had no velvet collar; it was perfectly plain. I should not think it could be mistaken for blue. I have no recollection of seeing him wear any other overcoat than the one I lent him and the fur coat. He never wore a covert coat to my knowledge.

*Re-examined*—Some time this year I was asked whether I could say if the prisoner was shabbily dressed at the time he came to my office. I have no distinct recollection of the way he used to dress from day to day. I don't remember having ever seen him wear spats; I think the frock-coat he wore had silk facings, I don't remember; but one would be apt to notice a frock-coat that had not; I should gather he meant the coat had been turned inside out. In 1894 I had a good many interviews with him; he borrowed a good deal of money in small amounts for daily expenses, 10s. and 5s. I also paid his weekly hotel bill occasionally.

JOHN WATTS (Constable A), examined—On 16th December I was at Rochester Row police station shortly after the prisoner was brought in. I told him he answered the description of a man giving the name of Earl Wilton, who was wanted for stealing jewellery. He said, "It is a mistake." I sent for Miss Grant, who had given a description; she came, the prisoner was placed, with six other men, in the charge-room. She looked at the men and pointed to the prisoner and said—"I believe that is the man; if he will take his hat off I shall know." All the men took their hats off, and then she said—"That is the man." I charged him with stealing the property of Daisy Grant. He said—"It is a great mistake; I have never seen the ladies before in my life," referring to Madame Meissonier and Daisy Grant. He was charged with stealing from both of them. I searched him, and found on him this brown leather pocket-book, with silver mounting, and the initials "A. B.," a £10 note, a £5 note, an Army and

## Evidence for Prosecution.

John Watts

Navy Stores ticket, 30s. in gold, 2s. 6d. silver, a knife, a tobacco box, and some visiting cards with the name of "A. Beck, 139 Victoria Street." He gave his name and address before I found the cards. I went to 139 Victoria Street about twenty minutes after he was charged. I found he had been in occupation of three rooms which were sub-let to him. There was a porter in charge of the whole building, but no one in charge of this suite of rooms. I had the keys. I found in the rooms about six or seven suits of clothes, a black frock-coat, two ordinary overcoats, besides the one produced, which he was wearing when arrested. I did not take very particular notice of them. I did not bring any of the clothing away. I noticed a new pair of patent boots in paper; they had never been worn. On 18th December I made a further search with another constable. I found this indexed address-book. He had a bedroom, sitting-room, and a small ante-room—a friend of the prisoner had previously occupied them, and had sub-let them to prisoner, who was the only occupant at that time. I found these documents, one of which is a letter addressed to a lady, but apparently not sent, the others are memoranda of addresses of ladies apparently. The lettered address-book contains the names of business people apparently, mostly foreigners; I cannot find the names and addresses of any women in it. I also found eight or nine pawn tickets relating to jewellery; I left them behind; they were dated 1890 and 1891. I also saw printed papers apparently relating to a mine or mines, in Norwegian or some foreign language; I could read the title at the top. I don't know what has since become of the things I left behind in the rooms; the clothes were removed two or three days afterwards, I believe, after the prisoner was in custody. I called again, and found they were gone.

*Cross-examined*—When I got to the station I found the prisoner detained on Madame Meissonier's charge; he was not charged, he had given his address; I searched him after he was charged, some time after he was at the station. Miss Grant had to be fetched from St. John's Wood. He was wearing a small link-pattern gold watch chain and a dark gun-metal watch; he also had a small silver match-box; no other articles of jewellery; he wore an overcoat and a high silk hat; his other clothes were as they are now; he had this umbrella with a silver top; I am not sure about his boots. I found no promissory note or bill of exchange form. I found no entry in the pocket-book of the name and address of any of these women, or of any particulars of clothing. I should say about fifteen or sixteen women have seen him between the time of his arrest and his committal. I should say there had been about twenty complaints from different parts of the

# Adolf Beck.

John Watts

metropolis of the same kind of thing complained of in the present case; the dates would be kept; I do not know them. Sergeant Briggs and Cracknell would have the dates when the complaints were made; they were here this morning. I arranged the identification in the first case, when the prisoner was detained at Rochester Row police station; on the next occasion Inspector Waldock arranged it. I looked through all the papers at the prisoner's address; I made very careful search to try and find some cheques. I found no paper with the name and address of any woman, no cheque, and no bill form. I have been in this case throughout; no single article of property belonging to any of the ten different women has been traced to the prisoner's possession. Whenever a complaint of such a thing as this is made, we take the date of when it is alleged to have occurred, and a description; we are always very careful about the date. It was a pair of new patent shoes I found at his address; they had never been worn; there was a dress suit there.

*Re-examined*—The fifteen or sixteen women who saw him at the police station include the ten who have sworn to him here, the other five or six did not identify him; one woman was not sure, she would not swear to him. The five or six women who are not here saw him under the same circumstances as the others, three failed to identify him; they said they could not see the man there. Another of them came into the charge-room while he was in the dock being charged, and she said she did not think he was the man. Another of them afterwards said she thought he was the man. All of them but one had lodged complaints, I believe. I believe I can get the dates on which the five or six women complained. I ascertained that the prisoner had been living at Victoria Street for about three months; he went there about 6th September.

JAMES NORRIS SUTTON—I am cashier at the Union Bank of London, 66 Charing Cross. We have no branch in St. James's Street or Belgrave Mansions. We have no customer named A. Winton, Lord Wilton, or Lord Willoughby de Winton, or any name of that kind. During the year 1895 a number of cheques, most of them drawn on bills of exchange forms, were presented by different ladies, and with this signature, which I cannot decipher. I knew nothing of the drawer, and had no money to meet the cheques, and I dishonoured and returned them. These exhibits were so presented for payment at our bank and dishonoured.

*Cross-examined*—All of them were on promissory note forms. There were fifteen or twenty altogether, and I should

## Evidence for Prosecution.

James Norris Sutton

think during between eighteen months and two years. We kept no record, because they were not drawn on our bank. They were all the same kind of document; as soon as I saw one I recognised it. I don't remember keeping any.

**WILLIAM JOHN WEY**, examined—I am cashier in the Balham branch of the London and South-Western Bank. On 10th November, 1894, Mrs. Gardiner opened an account with our branch. I issued to her a book of twenty-five cheques, Nos. A 482776 to 800. On 4th January, 1895, I received notice from her to stop cheques in that book, Nos. from 482791 to 800. She gave a reason for that. Subsequently seven of those cheques were presented. Exhibits J, L, and V were three of them. They were all signed like those produced, with the signature "Wilton," that is the name they were put down to. In some cases I got the ladies who presented them to endorse them. That was on the instruction of the police. I gave them up to the police. I have not seen Mrs. Gardiner since.

*Cross-examined*—I could not give you the dates the cheques were presented. We do not keep dates unless the cheque comes into the accounts. We detained the cheques in every case. I produced seven to the police. I had received notice from our customer they had been stolen [the cheques produced.]

*Re-examined*—The dates run from 28th January to 7th March, 1895.

**Second Day—Wednesday, 4th March, 1896.**

**Evidence for Prosecution—continued.**

MARCUS BROWNE, examined—I am the proprietor of the Covent Garden Hotel. The prisoner lived there for some years, down to within the last two years. I could not tell you the date without referring to my books, and I do not carry them in my pocket. You should have given me notice to look. It might be September, 1894. I have so many people to see, I cannot recollect every individual who comes to the hotel, the time he leaves, and so on. I cannot tell whether it was September or January. I am in a criminal Court, and I have nothing to do with a criminal case; you can apply to my solicitors in the city, and they will tell you, may be. The prisoner lived at my house about six years; he left because he had not paid his bill, and I said I could not keep him any longer. Apply to my solicitor; the bill is my business, not yours. That has nothing to do with a criminal Court, whether he owes me money or whether he does not; go to my solicitor; you have my solicitor to go to. Am I obliged to answer what was owing to me? He owed me £300, as far as the hotel bill went, and he owed me hundreds in money lent to him. I could not tell you the amount; you must apply to my solicitors; they have got all the information; they have got all my papers [the witness was here cautioned, not to withhold information]. I am quite aware you have power to commit me. The amount is between £1300 and £1400. A lot of the prisoner's boxes are at the hotel. He left them. Inspector Froest has searched them. I believe he had a watch; I do not recollect the kind of watch. He gave me a pawn ticket for a gold watch, which I gave to Inspector Froest. He always dressed very nicely and behaved very gentlemanly, and never brought any persons into the house. I should not notice, with twenty or thirty in the house, whether any individual wore spats. I have not said at the Police Court I did notice the prisoner wore white spats. I cannot recollect whether he did.

*Cross-examined*—Who is the prisoner's solicitor?—I do not recollect seeing him. I saw Mr. Froest. I did not recollect a gentleman calling at the hotel to see the prisoner's things. I did refuse to allow the prisoner's solicitor to see anything in the place—you have got the letter, no doubt—because I did not know whether I was doing right or wrong. I have heard

## Evidence for Prosecution.

Marcus Browne

nothing from him since. As to an action against the prisoner, that has to do with a civil Court and with my solicitor. I was not winking at the prisoner; he is no friend of mine. I brought an action against him. I believe my solicitors have the judgment. I am satisfied if my solicitors are.

FRANK FROEST (Detective Inspector), examined—I searched the prisoner's box at the Covent Garden Hotel—I found a pair of white spats, a pair of brown spats, half a dozen white waistcoats, a quantity of underclothing, an opera hat, a wedding ring, a few photographs of ladies and views of Norway and Sweden, and a large quantity of correspondence relating to business.

*Cross-examined*—I understood Beck had been staying at the hotel up to September, two years ago; that his things were detained. I have seen Mr. Browne calmer than he was here. Afterwards he was living at the Buckingham Hotel, Strand. I went there. I did not go to Victoria Street. I did not take charge of the case till after 3rd January. [A white waistcoat was here produced.] That is a specimen of the waistcoats; they were all of this class. There was some silk underclothing—old things. I have made inquiries about Mrs. Gardiner. She has been convicted of uttering bad cheques and passing herself off as a person of distinction. A warrant was out against her for assault. I have not seen her. She led a loose and fraudulent life. She lived once at Balham. She was charged, with others, at Westminster, and, after several remands, discharged.

*Re-examined*—The charge of assault was withdrawn by her landlady. I have made every effort to find her whereabouts, to subpoena her as a witness here. I was not in charge of this case until the third remand. I did not sanction the prisoner's clothes being left at his lodgings. I would not have left them.

THOMAS HENRY GURRIN, examined—I am an expert in handwriting, at 59 Holborn Viaduct. I have had many years' experience. I have examined the cheques and promissory note forms produced; also this manuscript book. [Mr. Froest identified the book as the one he found at the Covent Garden Hotel, and which purported to be a report of the Galapagos Mine.] I have also examined the three letters which Chetwynd has sworn to be the prisoner's writing. They are written to Chetwynd. They are all in the same writing. There are two handwritings in the book. I do not include all the handwritings there. I include the writing in the address book produced. The prisoner's writing is in different

# Adolf Beck.

Thomas Henry Gurrin

hands. I prepared the report produced, giving my reasons, and with facsimiles showing similarities. The cheques and lists are not written in the prisoner's ordinary hand. Two forms of disguise have been adopted. One is a back-handed or vertical scribble. That occurs in the signatures, the list of addresses, and on the envelopes. The other disguise is an ordinary hand, more resembling his writing in the books, but written large and more distorted.

*Cross-examined*—The lists of dresses are written with freedom. The control of the fingers is not exercised; it is written with the arm. A man who habituated his hand to it would acquire facility. List "A" is a medium writing between the two disguises. The photographs are very much reduced. Part of "A" was dashed off. I mean "Redferns," at the top, and "Cobb, Baker Street," and one or two other instances, as to which little control was exercised. I do not suggest he held his pen differently. [The witness pointed out the similarities in the documents.]

[Mr. GILL was proceeding to cross-examine as to the handwriting of certain other documents, exhibits in the case of a man Smith, tried in 1877.

Mr. AVORY objected to the witness being cross-examined with a view of raising the question whether the prisoner was the person convicted in 1877 of an offence similar to that charged in the indictment; that was a collateral issue, and should not be inquired into until after the jury had returned their verdict, lest it should afterwards be said that the prisoner had been improperly convicted.

Mr. GILL urged that the question was directly in issue, and that he was entitled to raise it, as his case on behalf of the prisoner was that the man who was convicted in 1877 was the man who had been committing these frauds, and that the prisoner had been mistaken for that man. He desired to show, by cross-examination, that the writing of the man convicted in 1877 was the same as that of the exhibits in the present case.

Mr. GURRIN stated that the exhibits in the case of Smith were examined by him some time after he had made his report; there was a reference in his report, produced at the Police Court, to the exhibits in that case.

Mr. GILL further contended that upon the question of the value of the witness's opinion he was entitled to have all the documents produced which had been submitted to him.

Mr. AVORY objected to the witness being asked whether those exhibits were in the same writing as the lists in the present case.

The COMMON SERJEANT ruled that the question whether the

# Evidence for Prosecution.

Thomas Henry Gurrin

prisoner was or was not the man convicted in 1877 was not admissible, upon the ground that it related to another and distinct issue, and one calculated to mislead the jury. If witnesses were called to character, Mr. Avory might cross-examine them as to the prisoner's previous character; or he might choose not to have the issue confused by the introduction of that matter.]

*Re-examined*—The writing is that of a foreigner; it is the Scandinavian type, which would include Norway, as distinguished from the German or the French type but not far from the German type; it is distinct from the English type, which, as a rule, is after the Italian. [The witness further pointed out the similarities in the documents.]

WILLIAM PARSONS, examined—I am a warder of Her Majesty's Prison, Holloway. I made a special examination of the prisoner about three weeks after he was received in custody. I found a mark on the right side of his throat, I could not describe it as a scar. I also found a mole on the right side of it.

*Cross-examined*—It is not the mark from a double chin. The examination of prisoners is usual, as a record for future use, so that a man can be afterwards identified. Photographs are also taken. I have not photographed him as my prisoner. I was told to make the special examination seven or eight weeks ago. I did not know I was to become a witness till a warder spoke to me this morning. I have not been shown a record of a man sentenced to five years' penal servitude, named Smith.

ALBERT ERNEST LAMB, examined—I am a clerk in the Solicitor's Department of the Treasury. I was present when the exhibits in this case were produced at the Treasury for inspection by Mr. Inglis, an expert in handwriting. He attended on behalf of the defendant on 8th January.

*Cross-examined*—I was partly cognisant of the conduct of this case. I cannot speak personally of Mr. Dutton's application for the dates of offences, or of all that went on in the office.

JOHN WATTS (Detective A), re-examined—I produce dates of complaints in two cases; one of 9th May, reported on 10th May, 1895, at New Scotland Yard; the other is of 16th April. The offence complained of was on 13th April, 1895. The officer took the report, and referred to another complaint by Miss Minnie Lewis, but it does not give a description of the prisoner. Two others complained, but gave no informa-



# Adolf Beck.

John Watts

tion; they came to the Police Court amongst other witnesses, but failed to identify.

*Cross-examined*—In two cases the witnesses were sent for, in consequence of information the police had possession of, to identify the prisoner. They both gave descriptions.

Evidence for the Prosecution closed.

## Statement for the Defence.

Mr. GILL—May it please your lordship, gentlemen of the jury—I submit it will not be safe to act on the evidence of identification. The women who have sworn to the prisoner must have been excited by the offer of the “Earl of Wilton” to come and manage his establishment and his £180,000 a year. They were evidently a little off their heads, and imagined that the hour had at length arrived when their charms would be appreciated. Can it be conceived that they were not under such excitement as would interfere with their judgment? Their indignation, however, can well be imagined on their finding the romance of their lives exploded. The tigress in the jungle in pursuit of her prey would only fitly represent their condition on finding that they had been robbed and deceived, although some of them may be consoled by the reflection that there are just as good fish in the sea. I strongly urge the point that none of the stolen property has been found in the prisoner’s possession.

## Evidence for the Defence.

HENRY HERMAN ELLIS, examined—I am one of the firm of J. & H. Ellis, tailors, of Farringdon Street. I have known the prisoner since the end of February or the beginning of March, 1895. He came on a matter of business with a lady. He had a fur coat and under it a serge suit. His first order for clothes was in March. He told me he would take the suit away as soon as he could pay for it. I had said, “Our terms are cash.” When he took them away he was wearing the same serge suit, a double-breasted reefer. The price of the suit was £3 10s. He then gave orders for a lot of goods. His serge suit was rather shabby. He bought some white waistcoats on the 14th or 15th of last September. Then he sent all his wardrobe for me to clean, as he said he was going to survey some mining property in Norway. There were four suits and an extra pair of trousers. There were no white

## Evidence for Defence.

Henry Herman Ellis

waistcoats. The clothes were very shabby. I have never seen the prisoner wear a white waistcoat, only those I made in September.

*Cross-examined*—I saw him in November, and we made him several other things. I saw him at the end of September. He told me when he returned that he went to Norway in October. I returned him his clothes in September to take with him. I pressed them up. He paid me. The cleaners sent two or three back as not worth cleaning. I saw him again about the end of November, when he gave me a further order. They were four dress vests that he ordered on 14th September. There was no frock-coat sent to be done up. We made him a frock-coat about June or July; it had silk facings. I cannot recollect where I sent it without referring to my books. In February or March he lived at Buckingham Hotel, Strand.

*Re-examined*—I had made him a dress suit, and for that I made the waistcoats. I never made him a white lining to wear inside a black waistcoat.

ANNIE SMITH, examined—I am chambermaid at the Buckingham Hotel, Strand. Beck was there when I went in, I think, February, 1894. Beck stayed there till last September. I saw his clothes. He had his things washed there. I never saw him with a gold watch. I saw him with a black one, like that produced and a gold chain. I never saw jewellery in his rooms. Up to May or June, 1895, he was rather shabby, when he began to brighten up. After that he had good clothes. I never saw him wear a white waistcoat. I never sent any to the wash. I never saw him wear white spats. He had a black overcoat lined with fur; he wore it a good deal. I looked after his room. I was in it every day. I have never seen elephant's tusks or a mandolin there. I have seen him writing; letters, I believe. He wrote very badly and slowly.

*Cross-examined*—I have been at the hotel two years. [Mr. Froest explained he had not been allowed to see the hotel books to get the dates.] Beck had a bedroom, and the use of the coffee-room and drawing-room. He had no sitting-room of his own. He wrote in his bedroom in the evening as a rule. He was generally out during the day. He never wrote to me. He sent me a note. It was a letter of half a dozen words. I had forgotten that. I have not got the letter. It was last August. In the letter he hoped I was enjoying my holiday, and he would be pleased to see me back. He did not go till September. I think he went to Victoria Street. He did not tell me the number. He took a large

# Adolf Beck.

Annie Smith

portmanteau and a black box. I did not help him pack. I could not help noticing his clothes; they were hanging in the room. There were a good many of them. He had the portmanteau when I went there; the box came later, about June, I think. He had a dark blue overcoat with a velvet collar, and an old frock-coat with silk facings, but he very seldom wore it. He had it all the time he was there. His watch used to lie on his dressing-table in the morning. I believe he had a pearl pin, but I did not much notice. He had a little pin of some kind. It looked like pearl. He wore spats, but they were dark blue or black always. Only one pair that I saw. He wore them last winter; I don't know about "always"; he was wearing them when I went there.

*Re-examined*—I brushed his clothes. I do not know whether his coat had been turned. I heard of his being in custody. Several officers have been to see me; about four, I think; two wrote down what I said, one I know did. I think Mr. Froest.

CHARLES GEORGE KISTNER, examined—I am a clerk to Messrs. Jenkins, Baker & Co., solicitors, St. Michael's House, Cornhill. About the middle of January, 1895, Beck came to the office practically every day, sometimes before I got there at ten. He was there sometimes all day. He was introducing a mine, the Hannen's Reef. Then he went to Ward & Chandler's. He was paid considerable sums of money in respect of the mine. One cheque in September, 1895, was for £282; one in October for £100, and he had 3500 shares allotted him. His dress was "medium" the early part of the year, but afterwards he was better dressed. I never saw him with a massive gold chain, gold watch, nor pearl pin. He had an oxidised watch. I should say this is the one he was wearing. I did not see a chain; he used to take it out of his ticket pocket. I have seen him writing. His writing was laboured. The longest time he has been at the office has been from 9.45 a.m. till 7 or 8 p.m. This was about March. I drafted him a letter which he took away.

*Cross-examined*—I was told he was a Norwegian. He spoke Spanish. He spoke with a foreign accent. His dress improved towards June or July. He wore a high hat. He had a fur-lined overcoat; I never saw him in any other overcoat. I could not see what he wrote. I never looked at what he wrote. We allowed him to use the office to write his private correspondence. He held the pen in a peculiar way. He wrote slowly. I do not recognise his writing in those letters to Chetwynd. He has not written to me. He has never signed documents in my presence. The writing in

## Evidence for Defence.

Charles George Kistner

these documents does not remind me of his, nor does the writing in the book of the Galapagos Report. I could not swear to his writing. I never saw him write back-handed. I saw him about 3rd October. I believe he went to Norway after that. I believed he returned in November. I do not recollect his conversation in November, but I believe he said he had gone from Liverpool. I have not the cheques the prisoner last paid to him.

*Re-examined*—His business at our office was connected with mines and other business. I remember the September cheque for £282 being cashed across the counter. I went to the bank with him.

SAMUEL ARCHER JONES, examined—I keep the Buckingham Hotel. The prisoner came there in September, 1893; he stayed till September, 1895. The end of 1894 and the beginning of 1895 he was shabbily dressed. He left to go to Victoria Street. His clothes were better the last month or two; I never saw him with any jewellery nor wearing white spats. No jewellery, elephant's tasks, mandolines, ostrich feathers, or anything of the kind were ever brought there.

*Cross-examined*—I do not know if he had a watch. We had about forty guests at the hotel. I noticed the prisoner's dress, because I lent him a sovereign or two. I got it back. He was rather shabby up to April or May, 1895. After that he seemed to be in better circumstances. He dressed better, but nothing out of the way. He had a good coat with fur on it. I saw him wear that. I do not recollect seeing a pearl pin.

Major HANS RADOLPH SOFAS LINDHOLM, examined—I have arrived to-day from Copenhagen, which I left two days ago. I live at Bred Garland. I am Gentleman of the Chamber of the King of Denmark. I knew Beck several years at Lima in 1880. I left Denmark for Valparaiso about May, 1880. [This evidence was objected to as not being relevant.] I first knew Beck in June or July, 1880, and from then to 1883 or 1884. He was a good friend and an honourable man.

Colonel HARRIS, examined—Beck is no friend or acquaintance of mine. I have been brought here on subpoena. I knew him in Peru from 1875 up to 1882. I have seen him with the very best class of people.

*Cross-examined*—I do not think he could write two lines in English. He may have learned since. I knew he was a Norwegian. I do not think he could understand what English he did write. He spoke English very well, and Spanish

## Adolf Beck.

**Colonel Harris**

remarkably well. I last saw him about five months ago in Bread Street. I had seen him twice previously; I had no business with him. I met him casually in the streets.

*Re-examined*—From 1875 to 1882 I used to see him in the carriers and in the streets of Lima sometimes, and used to say, "Good-day"—as one has to be careful with whom they converse in a country like that. I do not think he can write a line in English now.

**FREDERICO PEZET**, examined—I am Consul-General of Peru in Liverpool. I knew Beck in Peru in 1880 or 1881, or before that. I have known him ever since. I have always heard every one speak very highly of him.

*Cross-examined*—I knew him in London in 1894. I did not know his residence. I have seen him in the street on several occasions.

**JOHN BRAILSFORD**, examined—I live at 97 Golden Lane, Chester. I met Beck in Lima in March, 1881, afterwards in Callao up to July, 1882, and since in London; the English thought a good deal of him.

### Third Day—Thursday, 5th March, 1896.

Mr. GILL—My lord, several witnesses have spoken of the prisoner speaking with a foreign accent. May I ask permission for him to speak to the jury?

The COMMON SERJEANT—Yes.

The PRISONER—From the beginning to the end of these horrible charges I have had nothing to do with them. I am absolutely innocent.

### Verdict and Sentence.

After being charged by the Common Serjeant, the jury found the prisoner guilty.

Mr. AVORY—My lord, the police are in possession of certain information with regard to the prisoner.

The COMMON SERJEANT—I do not think I shall be influenced by anything which I hear.

Mr. GILL—There are four indictments charging the prisoner with having been previously convicted of felony, and I submit I am entitled to have them tried or discharged. It is part of the prisoner's defence that the man convicted in 1877 and sentenced to five years was the same man as has carried out these frauds. This man was in prison from 28th April, 1877, until April, 1881, during which time the witnesses from South America spoke to seeing the prisoner repeatedly. This is a case of a grave miscarriage of justice.

Mr. AVORY—I ask that the prisoner shall be sentenced on the indictment on which he has been convicted, and that the other indictments shall be postponed until the next session, when I shall consider the necessity of applying to the Attorney-General for a *nolle prosequi*. My learned friend practically admits that his object is to show that the verdict of the jury is wrong. I can be no party to that.

Mr. GILL—There is no precedent for an indictment remaining on the files of the Court against the will of the accused.

The COMMON SERJEANT—I am clearly of opinion that I cannot accede to Mr. Gill's application, which would be a departure from the practice of this and all other Criminal Courts. I shall postpone the other indictments until next session, and shall sentence the prisoner only on the charges of which he has been convicted. I shall treat the prisoner as if he had not been previously convicted. The evidence of identity has been absolutely overwhelming. The prisoner has been found guilty

## Adolf Beck.

of a most base and wicked crime. He has heartlessly robbed these persons, relying on the fact that, having regard to their previous history, they were not likely to bring the matter before a public Court. I sentence the prisoner on the fifth count of the indictment to four years' penal servitude, and on the tenth count to three years' penal servitude, and I direct that these sentences shall be consecutive. On the other counts of the indictment, I sentence the prisoner to three years' penal servitude, but I direct that these sentences should be concurrent with the other sentences, so that the total sentence that the prisoner will undergo is one of seven years' penal servitude.

[Mr. Gill applied that the point of law—viz., whether the learned judge was right in stopping his cross-examination of Gurrin—might be reserved, but the Common Serjeant said he entertained no shadow of doubt on the subject, and that it would be improper under the circumstances to reserve a case.]

The PRISONER—I am absolutely innocent.

## **A P P E N D I C E S.**





## APPENDIX I.

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REPORT OF THE TRIAL OF JOHN SMITH, at the CENTRAL CRIMINAL COURT in May, 1877, contained in the Central Criminal Court Sessions Paper, Vol. 86, p. 50.

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THIRD COURT.—Thursday, May 10th, 1877.

Before Mr. COMMON SERJEANT.

JOHN SMITH (27). Stealing a pair of earrings, a ring, and 11s. off Louisa Leonard.

Mr. FULTON conducted the prosecution, and Mr. M. WILLIAMS the defence.

LOUISA LEONARD—I am married, but living apart from my husband at 8 Great College Street. On 4th April I met the prisoner near Charing Cross. He said he would write me a letter. I received a letter next day. He came on the Thursday, when I was moving from my last residence. My friend Emily Ashton was with me. He came with me to College Street. He said he was Lord Willoughby. He came and sat opposite me in my room, my friend being present, and said he wished to talk to me very seriously. He had a nice house at St. John's Wood, and I must give up my apartments and go there by 8.30 on the following Saturday, to meet him there to dinner. The address was Alpha Villa, Abbey Road. He said I was to have a carriage and pony, and a nice little page and several servants, and whatever I did I was not to associate with the servants. He then asked what jewellery I had, and said "I suppose it is all rubbish?" I said "Unfortunately it is," and showed him the rings on my finger. He asked for a plain ring, which appeared to fit me the best, for a pattern, saying he would send me some better ones by a commissioner from the Army and Navy Club. He belonged to that club, and if I wanted any more money I was to apply there for it. I said, "You could take the size of the ring without taking the ring." He said he had given a ring to another young lady and had lost it through not taking the size, and he took it. I also had some filigree earrings. He said

## Adolf Beck.

he admired the patterns, but that they were rubbish, and if I would allow him to take them he would have them made in real gold. He showed me a ring on his finger which had been left him through his ancestors 500 years before Christ. He put the earrings in his pocket. He then asked for pen, ink, and paper, and when it was brought he wrote on it, and I was to give it to Messrs. Howell & James, as he wished me to have good clothing. He also enclosed a cheque in an envelope which he took from his pocket-book. He said, "Don't unseal it, because they will think it is not from the lord." I was to take it to the London Bank, No. 12 Lombard Street. He looked at his watch now and then, and at last said, "It is time you went to the bank, otherwise you won't get this money." After sitting a little while longer, my friend and I went out with him, and in the street he said, "Oh, what a nuisance, I have sent my brougham away. Have you any loose change in your pocket?" I said, "Yes, I have 15s." He said, "Will you let me have it, because you will have plenty when you get to the bank." I said, "You can take 4s. if you want it only for a cab." I handed him my purse, showing him the amount I had. He said, "You may as well let me have it all, because you will have more than enough when you get to the bank; £13 10s. will be more than enough." I objected to his taking the 10s. He took it and laughed, and added, "Don't be afraid." He threw the purse into the road. He then called a cab, and said, "You had better get in this cab and make haste and get to the bank, it is open till five o'clock, close the windows"—we got in and drove away, but subsequently changed our four-wheel for a hansom because we were not going quick enough—we presented the sealed letter in Lombard Street, the clerks consulted and then said it was a swindle—I did not get any money—I have not since seen my earrings, my ring, or my money—on 19th April I saw the prisoner in Tottenham Court Road. I was going with my friend to have lunch at the Horseshoe. I said, "There's the Captain." I said to him, "How are you, you never gave me what you promised." He said, "You be off, I do not know you, I will give you in custody; who are you?" I said, "I think it is my duty to give you into custody, you have taken my things, and it appears to me I shall never see them again."—he walked along quickly and then ran across the road; we followed—I next saw him in custody and charged him—I have no doubt he is the same man.

Cross-examined—When I first met the prisoner he asked me where I lived. I said, "50 Cherrington Street." I expected better jewellery and earrings—I believed every word he told me.



**William Augustus Wyatt, alias John Smith.**

*(From a Police Photograph, 1877.)*



## Trial of John Smith.

EMILY ASHTON—I live with the last witness; I recollect the prisoner coming to 8 Great College Street, on a Thursday, in April—he said he was Lord Willoughby—I was present the whole time—he said he had a house at St. John's Wood, and would take my friend to live with him where she was to have servants and a page, and she was to be careful not to associate with the servants—then he said to her, “Let me look at the size of your finger”—I was with her when we saw him in Tottenham Court Road—I am sure the prisoner is the man; I saw him run away—he was given in custody.

JOHN COOK—I live at 24 Fitzroy Place—I saw the prisoner and a crowd on a Friday, in April, running into Gower Street, from Euston Road—I asked the ladies what was the matter and then ran after him—he got into a cab; I got hold of the horse's head—he said, “Drive away, cabby, take no notice of him, hit him with your whip”—the cabman hit me with his whip, but the prisoner finding it was no use jumped out on the other side of the cab—he was taken into custody.

ELISS SPURRELL (Policeman ER 25)—I took the prisoner at five o'clock, on April 20th, in the Euston Road—he said, “Come round a corner in one of the houses; I am perfectly ashamed of this crowd running after me”—Cook then came up and said that he had robbed two ladies—I took the prisoner back to meet the ladies, who told me the charge in his presence—he said nothing.

Cross-examined—He had £4 in gold, and five rings, and an umbrella on him.

JOSIAH WILLEY—I am a partner in the firm of Howell & James, of Regent Street; I do not know the prisoner—I do not know Lord Willoughby.

GEORGE CLARKE—I am a counterman, and live at 16 Abchurch Lane—there is no Bank of London now—there was once, but it did not carry on business at 12 Lombard Street.

WILLIAM REDSTONE (Police Inspector Y)—I have searched the Peerage, and can find no Lord Willoughby.

Mr. WILLIAMS submitted that there was no larceny, the property was entrusted to the prisoner by the prosecutrix, and although it might amount to an obtaining by false pretences, it was no felony. Mr. FULTON contended that it was obtained by a trick with the intention to deprive the owner of it; that would amount to a larceny, and THE COURT so held.

**GUILTY.**

## Adolf Beck.

JOHN SMITH (27), was again indicted for stealing one ring and 11s. off Louisa Victoria Howard.

Mr. FULTON conducted the prosecution, and Mr. M. WILLIAMS the defence.

LOUISA VICTORIA HOWARD—I am single, and live at 4 Limerston Street, Chelsea—on April 18th I was getting out of an omnibus in Limerston Street, when I met the prisoner, who asked me the way to Gertrude Street—I told him the way, and as he passed my house I asked him if he would come in—he came in and said he would make an appointment for the next day—I had a letter next morning, and after that the prisoner came—he said he would not tell me who he was, but afterwards said he was Lord Willoughby—I had some flowers in my grate which were rather faded—I said I was going to have them done up by contract—he said, “Don’t do that, I have a proposal to make to you. I have been keeping a little woman, but have left her three months”—then he said he thought I took his fancy and that he would like me; that he belonged to the Army and Navy Club—I said I knew someone there—he said he knew that—I said, “Why?”—he said he would not tell me—he then said he would allow me £10 a week pin money, and that I should have a pony and carriage, a page and a hack for the park, and that he would pay my debts and buy me dresses—he said he would send me some jewellery next day as I had not sufficient to please him, and a watch and chain, four rings, and £50—he took one of my rings for a pattern—he wanted to take other things, but I would not let him—he gave me a cheque for £13 10s. upon the Bank of London, and wanted change—I gave him 11s.—he also gave me an order to Messrs. Howell & James, for £400 for dresses—I presented the letter. I did not get the dresses. I saw him next at the police station. I have no doubt the prisoner is the man. This ring (produced) is mine.

Cross-examined—I believed all he said. I was very pleased. I gave him the ring for him to take the size of my finger; I expected a better wedding ring and a diamond keeper.

WILLIAM REDSTONE (Inspector Officer Y)—I took this charge against the prisoner and found the ring produced upon him, with four others—the last witness identified him in the police court cell—he was placed with other prisoners.

**GUILTY—FIVE YEARS’ PENAL SERVITUDE.**

There was another indictment against the prisoner.

## APPENDIX II.

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DEPOSITION of ADA WOODING taken before Mr. W. M. COOKE at the Clerkenwell Police Court, 28th April, 1877.

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This Deponent, ADA WOODING, on her oath saith as follows:—

I live at 8 Northway Road, Cambrian Road, Brixton. I am single. About four months ago I met prisoner between Charing Cross and Ludgate Hill. We had a conversation and he said he should like to see me again. He came to my address on the 8th March after I had received the letter produced. He said he had an offer to make me, and my house was not good enough for me, and he would keep me. He had a villa at St. John's Wood, and I was to go there and have a servant, a page, and a little trap to go out in. He brought out the cheque produced for £13 10s. and said I was too quiet, and I was to have different dresses and go for them to Howell & James. He would send his brougham for me between six and seven o'clock, and I was to have some boxes and some jewellery. He also said my rings were not good enough. They were too thick and clumsy. He asked me to put them in an envelope and he would have a sapphire stone put in my wedding ring. The diamond ring was not good enough, and I put them in an envelope and let him take them because I believed the cheque to be good. He gave me the cheque before he took the jewellery. He said he'd broken one of his sleeve-links and would I let him have mine. I lent them to him. It was snowing. I said "Will you have an umbrella?" and I lent him mine. He said he should like a cab but he had no money. I lent him 5s. He then went away. I never saw my jewellery again till to-day. They are now produced. I sent to Howell & James and to the Bank of London. I never saw him again until to-day.

(Signed) ADA WOODING.



## APPENDIX III.

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### R. v. AUGUSTUS WILLIAM MEYERS.

(From the *Times* of 14th April, 1894.)

Augustus William Meyers, fifty-three, was charged with forgery. The prosecutor was Mr. Hoseof Margossian, a merchant resident in Vienna. He stated that in May, 1891, he was staying at the Westminster Hotel, and there made the acquaintance of the prisoner, who was also staying there.

Prisoner said he was a physician in Adelaide, Australia, with a practice of £5000 or £6000 a year. He represented that he had bought for a very small sum a property in Adelaide, which he afterwards sold for £80,000, and that altogether he was worth not much less than £200,000. He also stated that he was about to stay with a well-known gentleman at Stourton Hall,<sup>1</sup> and witness afterwards received several letters apparently coming from there. Witness subsequently went to stay in Montague Street, Russell Square, and prisoner, on his return to London, took rooms in the same house. He showed witness a letter from Berlin, thanking him for advancing £10,000 to save the writer from ruin. Prisoner, in the course of various conversations, said he was acquainted with people in the highest positions, and showed letters purporting to be from members of Parliament asking him to dine with them. He afterwards told witness that, in consequence of having advanced this £10,000, he was temporarily short of money, and witness agreed to advance him small sums and pay for his lunches until he could get a remittance which he said he expected from Australia. The remittance, however, never arrived. Prisoner was continually advising witness to go to Australia and establish himself as a stockbroker in Adelaide, where, he said, his influence would be of great assistance to him. Witness ultimately decided to take his advice, and prisoner gave him a letter to the manager of the Bank of Australia, instructing him to place £2000 to witness's credit, and, if necessary, another £1000, for which prisoner would be respon-

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<sup>1</sup> Horncastle, Lincolnshire. Cf. the evidence of Meissonier and Nutt in 1896 and of Marion Taylor who mentions that the man spoke of his estate near Horncastle.

## Trial of Augustus Meyers.

sible. On the strength of this witness sent the prisoner from Vienna a cheque for £300. It was arranged that prisoner should repay that and other sums borrowed at Naples, where he and witness were to meet. Prisoner said he was going there in a yacht belonging to the owner of Stourton Hall. Witness went to Naples to keep the appointment, but prisoner failed to make his appearance. Witness did not see him again till Sunday night, when he met him in a West End restaurant. He asked him for his £300, and prisoner said he would let him have it in a fortnight. He was then given into custody. Prisoner was remanded. Mr. Vaughan directed Detective-Sergeant Walters to communicate with the Public Prosecutor.

(At the next hearing, on 23rd April, Meyers was discharged for want of evidence.)

## APPENDIX IV.

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DEPOSITIONS OF WITNESSES taken before Mr. J. Sheil at the Westminster Police Court on the 17th and 23rd December, 1895, and the 9th, 23rd, and 30th January, 1896.

Metropolitan Police District to wit. The Examination of OTTILIE MEISSONIER, DAISY GRANT, and JOHN WATTS,

taken on oath this seventeenth day of December in the year of our Lord one thousand eight hundred and ninety-five at the Westminster Police Court, in the county of London, and within the Metropolitan Police District before me, the undersigned, one of the Magistrates of the Police Courts of the Metropolis, sitting at the Police Court aforesaid, in the presence and hearing of Adolf Beck, who is charged this day before me.

OTTILIE MEISSONIER, sworn.

I am single. I live at 36 St. Oswald's Road, Fulham. I met the prisoner on the 26th November. I went to the Westminster Drill Hall to a flower show. In passing through Victoria Street I met the prisoner. I did not know him before. He passed and turned back and said, "Pardon me, are you not Lady Everton or Egerton?" When he saw my face he said, "Oh, pardon, I've made a mistake." He asked me where I was going. I said I was going to the Drill Hall to see the Chrysanthemum Show. He told me that he had an estate in Lincolnshire and kept ten gardeners. I told him I had just received a box of chrysanthemums. He asked if he could see my flowers. I gave permission for him to come next day between one and two, and he came. My servant let him in; her name is Kate Harvey. He stayed about three-quarters of an hour to an hour. I went to my bedroom to change my dress. He was alone in my sitting-room for three to five minutes. When I came back, he was reading a German newspaper. I brought a watch to show him, the glass was broken. He said if I gave it him he would have it mended, and put a diamond star in its back. He promised to buy me a lot of dresses, and asked for the loan of a ring as he would buy me another.

## Examination of Meissonier, &c.

He asked me to join him in going to the Riviera. He wrote out the paper marked C. He held the pen between his two fingers. He also gave me the cheque D for £40, to pay for the dresses, boots and shoes, bonnets and hats he was going to buy me. I was to make out an invoice. He was going to call on the following Wednesday. The envelope marked E is the one he put the cheque in. He wrote the cheque out in my presence, but I think the name was already written. He said he was a cousin of Lord Salisbury's and most of the property round Brompton belonged to him. He said he had £180,000 revenue every year. He asked if I had a watch—I said I had three, and he asked me to show them to him.

The watch with the broken face was a gold watch with a gold chain and a little key attached. I believed what he said and gave it to him. It was worth £10.

I gave him an old-fashioned ring to have one made for me from it. He asked me to give him my diamond ring; it was too small, he would have it made larger. The ring I gave him was worth 30s. He said he would send them back the next day by a porter with one arm, and would send some jewels for me to choose.

Three minutes after he left I missed an antique enamelled watch about the size of a shilling from the table. I showed it to the prisoner, and he said he had given his collection of antique watches to South Kensington Museum. The value of my enamelled watch was £10 to £15. I sent my servant after him. The same hour I went in a cab to look for the Union Bank in St. James's Street. I went to the Union Bank in Trafalgar Square, and found he had no account there. I went to Vine Street station, and gave a description of the person to the police.

I was sent to Jubilee police station, Fulham, and gave the description there. Yesterday, at ten minutes to five, I saw him standing at the door of a house in Victoria Street. I went to him, looked in his face, and he smiled very sweetly, and I told him, "Sir, I know you." He said, "What do you want from me?" I spoke to him in English. He tried to push away through the gate of the iron railing and go into the street. I followed and said, "Sir, I shall follow you wherever you go." Then he ran over to the other side of Victoria Street, but I followed him. Then he stopped and turned round and said, "You're only a b—— dirty bitch," and worse words still. He tried to run away, he more than walked, I could hardly follow him. I gave him into custody just opposite the clock at Victoria Station. I am sure it is the man. I noticed his right cheek was drawn and his left cheek fuller. He took a pocket-book out at my house, and wrote in it about dresses,

## Adolf Beck.

silk stockings, and gloves. The pocket-book produced is the one. I recognised yesterday that silver match-box. I think he had a silver cigarette case. I am sure about the pocket-book.

Cross-examined—I must confess I had never been to Vine Street before. In June, a year ago, I was at a Police Court to prosecute a servant who had taken about £20 worth of wearing apparel. I was living then where I live now. I have never been charged myself. I decline to say whether I have been married. I have lived twenty-one months where I am living now. I do not get my living by seeing men. I am a music teacher and I have my own income. I have gone to one family as a teacher four years. Prisoner did not yesterday charge me with annoying and accosting him. It was between two and three on 26th November when I saw him. It might be from a quarter to two to half-past two. I am quite sure about the date and time. I was with him on the 26th about five minutes, and on the 27th about an hour. I saw the prosecutrix in the first case yesterday for the first time. I did not see her again till to-day. I really mean to say that is the book I saw the man with—I have no doubt. I did not have it in my hand on the 27th, I saw some initials on it, but he opened it so quick I didn't see what they were. Both these documents were written in my presence.

On the 26th November, when I met the defendant, it must have been a fairly fine day else I would not have gone out. I have been in this Police Court as a witness before. A gentleman named Allen, a detective, subpoenaed me.

(Signed) OTTILIE MEISSONIER.

DAISY GRANT, sworn.

I live at 44 Circus Road, St. John's Wood. On the 5th July I was living at 3 Wellington Chambers, York Street, Westminster. On Thursday, the 4th of July, I met the prisoner in St. James's Street. I was just returning home. I was with a lady and a little boy. He spoke to me, making a remark about the little boy. I stopped to speak to him, and the lady and the little boy went on. He took out his pocket-book and wrote down my name and address. He made an appointment to call the next afternoon. He did call about four o'clock. I was at home. He remained about three-quarters of an hour. That was the only visit. He said he would buy me other rings. he was going to Streeter's in Bond Street. He took a small diamond ring to know the size of my finger. He said he would send them by a commissionaire. He was going to give me the things, a list of which I produce. The ring I gave him

## Examination of Daisy Grant.

in order to know the size of my finger was worth about 30s. He said he would send it back with others by a commissionaire in half an hour. He said I would know the commissionaire as he had his arm in a sling. I knew there was one who had lost his arm; he is connected with one of the clubs in St. James's. That was why I believed him. I saw him write out a list marked A. He said he was going to give me the things; he was going to take a house for me in Adair Road, St. John's Wood. He told me to buy the things and said where I was to order them. He wrote out the cheque marked B at the same time (cheque dated 5th June). I couldn't say whether it was June or July. He signed the cheque "Wilton." He said he was the Earl Wilton. He did not give me any money besides. He went away and said he would call again on Monday. He sent me out of the room for matches to light a cigarette with, he sent me out twice, once for my photograph and once for a match. I had shown him my marquise ring before he left. It was in a case on the table. About half an hour after he left I missed my ring from the case, which was left behind. I gave him my bracelet—a broad gold bracelet chased on the top, which had been dented. He said he would get the dents taken out.

He did not return or send me anything, and I came to the Police Court on the Monday. I did not see him again till I saw him in custody last evening. I have not got my rings or my bracelet.

The figures in the margin of the list A were different deposits I was to leave at the shops on the goods I bought. The cheque was given to me partly to meet that. I inquired for the Union Bank in St. James's Street, and couldn't find any such bank.

The value of my bracelet was about £3, the diamond ring I gave him as a pattern 30s., and the marquise ring about £10. I bought the marquise ring off somebody else for £8.

Cross-examined by Mr. DUTTON.

The lady that was with me on the 4th July cannot identify the prisoner. She has told me since that she couldn't identify him. I can't say for certain whether it was in June or July. I believe it was July. It was about five in the afternoon of the 4th July when I first saw the prisoner. It was a fine afternoon. He had on a low hat, a round felt hat—I think it was dark brown. I can't say whether his clothes were light or dark. In my presence he wrote the whole of the cheque B—everything. He put it in an envelope first, and directed the envelope—I think I have the envelope at home among my

## Adolf Beck.

papers. I did not look at the cheque till after he'd gone. I read it then. I noticed it was on a promissory note. I did not notice it was dated a month earlier. That it was a promissory note and not a cheque from a bank book attracted my attention more than the date. It was given me to order these things on the paper. I was not carrying on a gay life on that day. I certainly spoke to the man when he spoke to me. I was leading a respectable life then. I am living now as a married woman. I decline to say whether I am married. I have been for five years under the keeping of somebody. I was living in my own name as Mrs. Grant. That is my correct name, Daisy Grant; prisoner did visit me for a purpose, and, having no money, gave me that cheque, if you put it that way. The man wrote on the paper B what is written there, every bit of it in my presence. That is my paper—I took it out of ~~my~~ drawer. I identified the prisoner at the station here yesterday; I was sitting with another girl on a form in the station. When I identified the prisoner he was amongst several men. I did not see him before I identified him attempt to enter the room where I was sitting, and then he immediately pushed out by the officer in charge.

Further examined—I would not have let him have the gold bracelet or the ring if I had not expected he would bring it back to me. I am quite sure he wrote both these things in my presence, I can swear it.

(Signed) DAISY GRANT.

JOHN WATTS, Detective, A Division, sworn.

About 5.45 last night I saw the prisoner detained at Rochester Row police station on another charge. I told him that he answered the description of a man giving the name of Earl Wilton, who was wanted for stealing jewellery. He said, "It's a great mistake. The lady has made a great mistake. I never saw her in my life." I then sent for the prosecutrix, Mrs. Grant. The prisoner was placed with six other men. She said, "I believe that's the man," touching the prisoner, "if he took his hat off I should know." The prisoner took his hat off, and she said that was the man. He was then charged, and he said he'd never seen the ladies before in his life. I then searched him and found a pocket-book, one £10 Bank of England note, one £5 note, 30s. gold, 2s. 6d. silver, one Army and Navy Stores ticket in the name of A. Beck, several cards and memoranda. I then went to 139 Victoria Street, a house let out in chambers, and found that he occupied three rooms there in partnership with a gentleman

## Examination of John Watts.

who is away, I searched all the rooms, but failed to find any cheques or cheque book, or anything relating to the charge.

Cross-examined—I saw a great number of papers—something to do with mines. He has told me that he is connected with some copper mines.

(Signed) JOHN WATTS, P.C., C.I.D.a.

The above depositions of OTTILIE MEISSONIER, DAISY GRANT, and JOHN WATTS,

were taken and sworn before me, the undersigned, one of the Magistrates of the Police Courts of the Metropolis at the Police Court aforesaid, on the day and year first above-mentioned.

(Signed) J. SHEP.

Metropolitan Police District to wit. The Examination of MARY HARVEY, FREDERICK EDWARDS, KATE BRAKEFIELD, and JOHN WATTS,

taken on oath this 23rd day of December in the year of our Lord one thousand eight hundred and ninety-five at the Westminster Police Court, in the county of London, and within the Metropolitan Police District, before me, the undersigned, one of the Magistrates of the Police Courts of the Metropolis, sitting at the Police Court aforesaid, in the presence and hearing of Adolf Beck, who is charged this day before me, as aforesaid.

MARY HARVEY, sworn.

I am servant to Madame Meissonier. I live at 2 Aviland Road, King's Road, Chelsea. I remember Wednesday, the 27th November, last. I recognise the prisoner. He called between one and half-past two that day. I opened the door for him. He asked if Madame Meissonier was in. I showed him upstairs. I did not see him again till I saw him up here. I am quite sure he is the man.

Cross-examined—It was three weeks last Wednesday. I know, because I let him in. It was our washing day. It was no other Wednesday. He had a high hat on and carried an umbrella. My mistress sent for me to the police station last week. The time when he came was about my dinner



## Adolf Beck.

time. I recollect the previous day. I know she went out. I don't remember the time when she went out or came in. On the Wednesday she told me to put on my hat and jacket, and go to the top of the street and see if I could see this gentleman, and I went.

(Signed) MARY HARVEY.

FREDERICK EDWARDS, P.C. 419 A, sworn.

About 5 p.m. on the 16th December I was on duty in Victoria Street, outside "The Royal Standard" public-house, when I saw the prisoner and the second prosecutrix coming up the street towards me. The prisoner was the first to speak, and wanted to know what he could do with the woman, she kept following him and annoying him. I told him I must hear the woman's story as well. She then said that she should charge this man with stealing two watches and a ring. I asked her if she would charge him; she said "Yes." I then took him into custody. He said nothing, but was quite willing to go to the station. When the charge was read over he said he never knew this woman and he never saw her before. He was identified by the first prosecutrix and also the servant.

(Signed) FREDERICK EDWARDS.

KATE BRAKEFIELD, sworn.

I am the wife of Henry Brakefield, a butler, living at 34 Smith Street, Chelsea. My professional name is Alice Brookman. I am a music hall artiste.

I first met with the prisoner on the 22nd June, a Saturday, coming down Sloane Street, about two o'clock in the afternoon. I was alone. He followed me and spoke to me. He said he'd been following me because I had a very small foot. He asked me where I lived. I was living at 39 Uppernoe Road, Chelsea. I gave him that address. I told him I was a professional. He asked me if I had a piano. I said I had a piano and a mandolin too. He said he would come down on the Sunday afternoon and play. He came down on Sunday afternoon, the 23rd June, at two o'clock. I let him in. He asked me how I was and walked into the parlour. He said he hadn't long to stay, but would I give him a sheet of paper and an envelope. and he would write out a list of dresses for me to get at Regent Street. I told him I had been to Wilton Crescent. He told me that as I had been up to Wilton Crescent, he was Lord Wilton. I got the envelope and paper produced from a box in my room. The list marked F, the

## Examination of Kate Brakefield.

envelope marked G, and the two cheques H and I he wrote out in my presence, and gave me. The £30 cheque was to pay for the dresses. The £20 was to last me until he came to see me on the Wednesday. I asked him to show me the notes, but he said I must not open the envelope until I had taken them to the bank. He told me to go to the Union Bank, St. James's Street, Piccadilly. He asked me to take the ring off my finger to get the size, and he would get me some. I gave him two rings as patterns, a diamond ring and a ruby ring. I value them at £10. They were given to me as presents. I did not give him anything else. He said he would send me down the things he was going to buy, by a commissionaire with one arm. He stayed nearly two hours. He came at two and went away at a quarter to four. Directly he was gone I missed a silver belt, six silver bangles, one silver snake-headed bangle, a mandolin in a case, a snake brooch which I think was silver washed with gold, and two ivory medallions. They were lying on a table in the parlour. They were safe when he came. He had been looking at them and said they were no good. I wasn't to have those when he bought me better things. I went upstairs more than once while he was there. I went out of the room twice—about ten minutes. He had a dust coat on. I went upstairs to make some tea. When I came down he was gone. I went an hour afterwards to Chelsea police station and gave a description of him. I never saw him again till I saw him here. I saw it in the paper and I came here. I am sure he is the man.

Cross-examined—I don't know I'm sure that a great many men have admired my pretty little feet. I had new shoes on. He is the only man I have invited to my rooms. He did not play the piano. I am a married woman, respectable, married to a butler. He is not doing anything now. His lady is away—he is waiting till she comes back from abroad. He is having his wages just the same. I have been married twice. I have been married seven years to my present husband.

We were married at St. John's Church, Westminster. My first husband's name was Beale.

On 22nd June, about two o'clock, I met prisoner in Sloane Street. I did not stay ten minutes with him. My husband was not at home the next day—he was in his own place. Prisoner was there about two o'clock next day. I had had my lunch. He sat in the parlour writing nearly two hours. He had spats on. The address he came to was 39 Upcerne Road, Chelsea. There I had a flat. He had a stick with a kind of brown knob, and light spats and black patent boots, a white waistcoat, a dark pair of trousers with a stripe, and a dust coat. He had a little safety pin with a pearl in it. I saw

## Adolf Beck.

him write the whole of the document F, the envelope G, and I saw him write those cheques. He wrote the signature and the date to the cheques, and also the body of the cheques. I do not recollect a very similar case to this being tried at this Court about three months ago.

Further examined—I valued the whole of my property at £22, the rings at £10, and the other things at £12.

(Signed) KATE BRAKEFIELD.

JOHN WATTS, Detective, A Division, sworn.

This morning, when the charge was read over to the prisoner, he said “I never saw that woman in my life or any of them.”

Cross-examined—There are two other women that say they now believe he is the man but won't swear to him. They were put up to identify him—there were five men altogether, including the prisoner. About five men altogether saw him.

(Signed) JOHN WATTS, P.C., C.I.D.a.

The above depositions of MARY HARVEY, FREDERICK EDWARDS, KATE BRAKEFIELD, and JOHN WATTS,

were taken and sworn before me, the undersigned, one of the Magistrates of the Police Courts of the Metropolis, at the Police Court aforesaid, on the day and year first above-mentioned.

(Signed) J. SHEIL.

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Metropolitan Police District to wit. The Examination of JAMES MORRIS SUTTON, WILLIAM JOHN WEY, MARION TAYLOR, *alias* KATE DUNCAN, ALICE SINCLAIR, ETHEL ANNIE TOWNSEND, and LILY VINCENT, *alias* JULIETTE KLUTH,

taken on oath this 9th day of January in the year of our Lord one thousand eight hundred and ninety-six at the Westminster Police Court, in the county of London, and within the Metropolitan Police District, before me, the undersigned, one of the Magistrates of the Police Courts of the Metropolis, sitting at the Police Court aforesaid, in the presence and hearing of Adolf Beck, who is charged this day before me, as aforesaid.

# Examination of Sutton, Wey and Taylor.

JAMES NORRIS SUTTON, sworn.

I am cashier of the Union Bank, London, 66 Charing Cross. The bank has not a branch in St. James's Street or at Belgrave Mansions. We have no customer named A. Wilton or A. de Wilton or Lord Wilton. During the past year, 1895, we had presented a number of promissory notes or bills drawn by A. Wilton or A. de Wilton. There were from 15 to 20. They were chiefly presented by ladies. I dishonoured them, having no instructions to meet them. The four exhibits marked B, D, H, and I were all presented, together with three others marked M, P, and O.

(Signed) J. N. SUTTON.

WILLIAM JOHN WEY, sworn.

I am a cashier of the London and South-Western Bank, Balham branch. In 1894 and 1895 we had a customer named Mrs. Gardiner. On the 10th November, 1894, there was issued to her a cheque book of 25 cheques, numbered 482,776 to 482,000 inclusive. In the month of January, 1895, I had instructions from Mrs. Gardiner, and in consequence I refused to honour cheques from her book. She signed also a stop-order form which is dated 4th January, 1895. After that date there were presented the cheques produced marked J, K, L, S, T, U, V. They were all from the book which was issued to Mrs. Gardiner. They were chiefly presented by young women who, in most cases, endorsed them. I retained them till they were handed to the police. The drawer's name appears to be written. We had no customer of that name and no instructions to meet the cheques.

(Signed) W. J. WAY.

MARION TAYLOR, sworn.

I live at 124 Vauxhall Bridge Road. In the early part of last year I was living at 23 Moreton Place, Pimlico. On a Saturday afternoon in January, 1895, I was walking in Piccadilly. That man (the prisoner) spoke to me just outside a silversmith's, Dobson's. I was alone. He said I was a very charming woman, he should like to call on me, and would I give him my card. I said I didn't have cards, but I gave him a very dirty envelope. He arranged to call next day, which was Sunday. I went home for tea. While I was home a telegram came to me. I have since destroyed it. The following day at four o'clock the prisoner called at my rooms at 23 Moreton Place. My servant made him some tea.

## Adolf Beck.

He told me he had a most lovely establishment in St. John's Wood, that he'd quarrelled with his mistress, and he should like me to head his establishment as he had so many stylish friends on the Stock Exchange. He said: "You are very nicely gowned, but, of course, you are not dressed sufficient for my position." He then told me to get a sheet of note-paper, which I did. Then he made a list of my dresses I was to have. I was to get them at Redfern's. The prisoner made the list out. I did not suggest the things to him. I was too appalled by the wealth of it all. He made the list out himself. Then he said to me, "Now, how about money?" I said, "I haven't any money to speak of." He said, "These people, of course, don't know you, so I'll write you a cheque." Accordingly, he wrote me one. I thought it a very funny thing, he did not bring it out of a cheque book. It was on blue paper with a stamp. It was for £25. I don't know what he signed, it was all scribbly up in the corner. He had not told me his name. The cheque was given into my hands. He said, "Now about diamonds, you must have some diamonds; now have you a ring the size of your finger?" I suggested a piece of pasteboard. He said, "No, that would look so bad." I went downstairs, I wasn't going to give my wedding ring away. So I went downstairs to my landlady, who lent me an old-fashioned buckle gold ring. I gave it to the prisoner. He was to take it to get me some diamonds and send them on by a commissionaire before one o'clock on the Monday morning. He told me to take the cheque to the bank opposite Marlborough House, where the Prince of Wales lives. He said, "Oh, by the by, have you any loose silver, I've nothing but gold for my cab fare, it's so awkward on Sunday nights." I opened my purse and said, "Yes, I have," and I gave him 9s. He arranged to call again on the following Monday afternoon after the commissionaire. On the Monday I went up to St. James's Street. I could not find any Union Bank. I went afterwards to the Union Bank in Trafalgar Square with my cheque. I could not get it cashed. The prisoner never called on me again. I did not see him again till last Thursday, when I identified him in the Court. I saw him with a number of men and picked him out in one minute. I should have made it hot for him if I had seen him before. I gave the cheque and the list to Mrs. Baker, my landlady. The value of the ring I got from the landlady was 15s. or 16s.

Cross-examined by Mr. DUTTON—I have an objection to answer my age. I decline to answer such a question as to how long I have been leading a life of immorality. I won't say what name the prisoner knew me under. It was Duncan.

## Examination of Marion Taylor.

He didn't take the trouble to know my Christian name. It is my business whether I have been married. Yes, I have. I shan't say whether my husband is alive, I won't there. I have not a daughter alive and I never had one, there. I don't know what date it was in January. It was in the early part, the snow was not on the ground. It was about a fortnight after Christmas. It was between three and four on the Saturday when I first met him, outside Dobson's, the silversmith's, going up Vine Street. He was dressed most beautifully. He had a high silk hat on. He didn't look half so wearied as he looks now. He had a covert coat on, a light coat. He had a white thing inside his black waistcoat, and I thought, dear me, how nice he looks. He had white spats over his patent boots, very nice boots they were. On the Sunday he called at four o'clock punctually at 23 Moreton Place, Pimlico. He was dressed in the same manner. He took off his greatcoat. He had a most beautiful coat on underneath. He had patent boots, white spats, grey trousers, black coat, black vest, and a white inside thing. I did not notice whether he had a watch and chain on. He stayed with me till seven o'clock. We had tea. I gave the list and cheque to Mrs. Baker that night, after he left. He was to give me the cheque and these articles simply for admiring me. I did not communicate with the police, for the simple reason my name was too good to be bandied about. I have never been in custody or had a complaint made against me. I have appealed to the police for protection. That was not in Moreton Street. My only reason I did not communicate with the police was because I belong to a good family. I communicated with the police—revenge is sweet. It was after I first saw the case in the paper. I first communicated with Detective Watts. I last saw Mrs. Baker about two months ago. I told Sergeant Watts that Mrs. Baker had these two documents. Prisoner did not tell me any name. I said to Watts that I received a telegram from him signed "Wilton, Carlton Club." When I identified prisoner last week he was with a number of men. No one told me he would be found between two tall men at the right of the line. I said, "That's the man." They said, "You must touch him," and I touched him. I came out of the door and walked up to him. I identified him, I can swear to him. I did not go straight up to him. They said, "Will you look along that line?" I said, "That's the man." He was near the door. I noticed his voice when he was with me. He spoke with a foreign accent. He told me he was a German. He said, "What have you to do with Goethe?"

(Signed) KATE DUNCAN.

## Adolf Beck.

ALICE SINCLAIR, sworn.

I live at 40 Albany Street, Regent's Park. In February, 1895, I was living in Upper Baker Street. I was walking in Ludgate Hill on a Saturday morning in that month. Some one spoke to me. To the best of my belief it was the prisoner. He asked me if I was waiting for an omnibus; I said "Yes." I was just about to get into an omnibus with my sister. He asked me where I lived. I gave him my address, 25 Upper Baker Street. He said he would call on me the next day, the Sunday afternoon. He called on the Sunday at two o'clock. He told me he had a very nice house in St. John's Wood, and asked if I should like to go and stay there, and asked if I would like to dine with him on the Tuesday night, and I said I would. He asked me to go and live there under his protection; I had not quite made up my mind. He proposed to buy me some new dresses. I was to dine with him in the Abbey Road, St. John's Wood. He said he wished to buy me some new dresses. I was to go to Redfern's, he wished to take me away to live with him. I was to go on his yacht, so I wanted some new dresses. I was to get an opera-cloak, boots, and a riding-habit, which I was to order at Cobb's in Baker Street. I told him I could not ride. He said I was to learn. He made a list of what I was to order. He put down what he thought proper. I have destroyed the list. There were two tailor-made dresses, two evening dresses, an opera-cloak, a habit, and boots I was to order at Norman's in Queen Victoria Street. The boots were not on the list. My list was similar to that marked C. He gave me a cheque for £40. He proposed I should pay £5 to Cobb's for my habit, £5 deposit for boots, and the other £30 for dresses at Redfern's. The cheque he gave me is marked J. I saw him write the cheque. He took it from a cheque-book. He put it in an envelope and addressed it to the manager of the bank. I was to take it to the bank in Belgrave Mansions, Victoria Street. He said he would buy me some rings and a bracelet, and said I should have a marquise ring and 5-stone diamond ring, and he wanted both mine to take the measurement. I told him I did not wish to part with my rings. I wanted him to take the measurement in cardboard. He said, "Can't you trust me?" and I gave him my rings. One was a gold wedding ring, the other a foreign gold ring. The wedding ring was worth about £2, the two together about £6. A commissioner from Streeter's was to bring me the rings on the Monday morning about twelve, and return me my own rings at the same time. He was to take me to the Riviera in his yacht. He told me he was the Earl of Wilton.

## Examination of Alice Sinclair.

On the Monday I sent my landlady's daughter to the bank with the cheque. I had previously signed it. The cheque was detained by the bank. The prisoner never called on me again, nor did the commissionaire arrive with the rings. Last week in the Court yard I saw a number of men together—I pointed to the prisoner.

On the Sunday he was with me from half to three-quarters of an hour.

Cross-examined—I believe it was the 27th February—I only go by the cheque. It was the day before the 17th February. I had my sister with me. It was fine, very fine. He had light trousers on, a black waistcoat, a white vest front, a black frock-coat, a black satin tie with a big pearl pin, a tall hat and an umbrella. He spoke to my sister and I got into the bus. I don't know whether he drove up on the Sunday. To the best of my belief he was dressed in the same manner. I was going in the same name then as now. That is my correct name. I am single. I get my living partly by seeing gentlemen. I was alone on the Sunday. Directly he came into the room he asked me if I recognised him and I said "Yes, from seeing you yesterday afternoon." He said, "Do you know who I am?" I said, "No." He said, "I'm the Earl of Wilton." I asked him to sit down. He had no overcoat on, simply a frock-coat. I did not notice whether he had a watch chain. He proposed that I should come to his house in St. John's Wood. He did not strike me as being an Englishman. He asked me for a piece of paper. I rang the bell and the servant brought it up. I think it was my landlady's little son who brought it and the pen and ink. He wrote the list and the cheque. He had no difficulty whatever in writing them. The clothes appeared to me to be new—perfection. He looked a gentleman, and the noble lord that he represented himself to be. I never got my rings back. He got no money from me. I have seen the last witness before. I have not spoken to her about it. I did not communicate with the police. The police called on me. The rings were not very valuable, £5 or £6, and I did not wish to communicate with the police.

Re-examined—The two rings I was wearing were the only rings I had then, my others were in pawn. That was why I was reluctant to part with them.

(Signed) ALICE SINCLAIR.

ETHEL ANNIE TOWNSEND, sworn.

I am a widow and live at Oxford House, Tottenham



## Adolf Beck.

Court Road. In March, 1895, I was living in Shaftesbury Avenue. On the 6th March I was walking with my little daughter in Piccadilly between one and half-past one. I was accosted by a man—the prisoner. He asked me first if I was lady somebody. I said I was not. Then he asked me if I knew Lord Aberdeen. I said I did, but not so well as his brother. He said he'd just returned from Canada and had been staying with them some time, could he converse with me. I gave him my card. He arranged to call at four next day. He came at twenty to four. He said he was Lord Wilton de Willoughby. Two years ago I met a gentleman of the same name but not for long. I expected him to be the same gentleman. He asked me why I was living alone in a flat. I told him I had buried my husband in India, and that was the reason I was living alone in a flat. He asked me why I was living in a flat, why I didn't live up in St. John's Wood somewhere. I said I preferred to live in the West End as it was nearer my friends. He said he had a little house in St. John's Wood he wished to get an occupant for, servants, and wine cellar. I said I didn't mind living in St. John's Wood, but I should have to know a little more about him, and go and see the house. He said I could see it in a day or two. He said I wasn't dressed decently enough, and I hadn't diamonds. He asked me to take off my wedding ring. He said he simply wanted it for a measure to buy me some more at Streeter's. The ring was a plain gold ring, value, as far as I know, £3 10s. He promised to send me three or four half-hoop diamond rings. He said I wasn't dressed well enough and made me write a list of dresses I was to get at different shops in Bond Street. I was to get a dressing-case in Piccadilly. I have destroyed the list. He told me what to put down—dresses of every description, evening dresses, walking dresses, three or four of each, and a riding habit. I was to get them at Redfern's. He gave me a cheque which he said was to pay for them. He wrote out the cheque L for £120. I did not see where he took it from, I was fetching the tea at the time. He put the cheque in an envelope and sealed it. I was to present it at the Balham Bank. He took a gold chain bracelet with a padlock off my arm. He said he was going to have a diamond put in the padlock. I had a gold bracelet set with a pearl horse shoe. He took that to have it straightened. It was a little dented. I had also at this time a black ostrich feather fan. He took it to have it mounted in turquoise. It was a magnificent fan. He said it was spoiled by not being mounted.

## Examination of Ethel Townsend.

I had also a pair of elephants' tusks value £50. He took them to have them mounted on an ink-stand. I had a bracelet belonging to my sister on the table. He asked whose it was. He said it wanted to be repaired. I said, "Not necessarily." He put it down again. I let him have a portrait of myself on porcelain. He said he wanted it for the house in St. John's Wood, he also took three others. I went to get him some tea. After I returned he stayed five or ten minutes. I was to receive the rings the same evening by a commissionaire with one arm, and he himself would call on me the next day. After he'd gone I missed my sister's bracelet, and a pair of tiger's claws that had just arrived from India that day, a tooth of an animal that I'd had mounted for my parasol with my monogram in silver.

The following day I took the cheque to the Bank at Belham. The bracelet, tooth, and tiger's claws, were worth £20. The things I handed to him were worth, I should think, £100. I let him have these things believing the cheque was a good one, and that he was who he represented himself to be—a friend of friends of mine. The cheque was dishonoured at the bank and kept. I was asked to put my name and address on the back of it, and did so. I never saw him again, neither did the jewellery arrive. I went two days after and gave information to the police—to Sergeant Bridges on the 23rd December, in the court yard of this building. I picked out the prisoner from other men.

Cross-examined—To the best of my belief the prisoner is the man. I am not sure when I hear him speak. He speaks with a foreign accent that he did not speak with then. There is a slight doubt in my mind about him. I have heard him speak once for a minute in the court yard. I have looked at the prisoner. To my knowledge the man who called on me had no more hair on his face than the prisoner. I have not the slightest doubt about the date, 6th March. He had a little hair down the side, that is my sister's idea. I did not notice the gentleman sufficiently. He held a pocket handkerchief on the left side of the face the whole time he was with me, and in Piccadilly the same. He was only in my drawing-room twenty minutes at the outside. I was not well enough to entertain the gentleman, and he went as soon as convenient. He was wearing a similar overcoat to the one he has on now. I believe it is the same coat. It has worn very well for twelve months. he did not take his coat off. His trousers were a grey mixture with black. he had spats on, dark brown,

## Adolf Beck.

not exactly dark brown. I destroyed the list as soon as I found my property gone — a week after. I found it gone after he'd left. I really couldn't tell you what he was to give me this valuable property for—to live in his house in St. John's Wood, not alone, I have a daughter. I am not in the habit of receiving gentlemen at all. He was going to tell me after what he was giving me these things for. I took it for granted he was giving me £120, because he had so much money he didn't know what to do with it. I have my income and live on it. It was strange for him to give me this money. The address on the back of the cheque was the address where I was living. My sister is about to be married and go to India. I have given my correct address now. I gave the prisoner my name, I gave him my card. I did not notice whether he was deaf at all, he was very fidgety. I did not notice whether he could hear better in one ear than the other.

(Signed) ETHEL ANNIE TOWNSEND.

LILY VINCENT, sworn.

I live at 5 Harwood Road, Walham Green. I am a single woman and a music-hall artiste. In March or April of last year I was accosted by a man at Olympia. I think it was the first few days in March. I don't recollect the day of the week. It was between three and four outside the theatre. I was with a little sister of mine I had taken to see the performance. He asked for my name and address. I gave it to him. He asked if he might come and see me. He came a few days afterwards between three and four. He told me he kept a large house in St. John's Wood, and had a lot of friends there, and as I told him I was a professional he would like me to come and see him and give him some music. I said I shouldn't mind coming up as he had some other friends there. Then he told me I wasn't dressed well enough, I should have to wear different clothes. Then he asked me whether I could bring him a piece of paper to write out a list of clothes. I sent and got it, and he wrote a list of things I was to get at Bond Street. I think in Redfern's. I have since burnt that list. I think there were a riding habit, tea-gown, evening dress, and two plain dresses. I told him I had gone riding a few years before. I was also to get boots and shoes in Regent Street. He drew me a cheque and told me to get the money and pay on account. The cheque is marked O. He wrote it himself and put it

## Examination of Lily Vincent.

in an envelope. I was going to open it. He told me not, it would be better to take it as it was. I was to take it to the Union Bank, Belgrave Mansions, next morning. I had several rings on my finger. He said they were not of much value, and asked me for one and he would send me some better, and return the other in about an hour's time with a one-armed messenger. It was a small gold ring with three stones, one white and two red in it, value about £3. He was with me about an hour or an hour and a half. He said he would write and let me know when he would see me again. He told me he was either proprietor or manager of a mine. The name written on the cheque was Wilton. I never heard from him or saw him after that. I did not get my ring back. The following morning I went to Belgrave Mansions and could not find the bank. I kept the cheque until I saw this case in the paper, then I sent a letter to Scotland Yard. In letting him take my ring I believed the cheque was a genuine cheque. Last week at this Court I recognised the gentleman as soon as I got out in the yard. That is the prisoner.

Cross-examined—I was in Court about five minutes when the last witness gave evidence. I was standing at the door. I read this case in the weekly paper. I recognised the name Wilton from the document he gave me. I can recognise the name of Wilton on it. The document containing a list of clothes and the cheque were written in my presence in a free, off-hand manner—no hesitation in writing, nothing out of the ordinary way. I can't say whether he dated it the same day he wrote it. I looked at the name, not the date, I can't say what date in March it was, it was the first two or three days, not later than the third day, not a week from my first seeing him. I can be certain it was not more than four days. When I first saw him it was between three and four in the afternoon—daylight. He had a dark blue overcoat with velvet collar, a high hat, and spats, you'll have to excuse my bad English, I'm a foreigner. I think he had patent boots on. He was dressed the same the second as the first time. He was with me about an hour and a half. He did not have tea with me. I notice the gentleman was not quite English, he spoke with a foreign accent, he spoke a little French. I did not know what he was, whether he was a German or what he was. I think he had just the same quantity of hair on his face then as now. When I saw him he had whiskers and he's got them now, a moustache. He had no side whiskers. I don't think he had any hair under the chin. I did not notice anything the matter with his hear-

## Adolf Beck.

ing. He asked me questions now and again; and said, "What did you say?" I wrote to Scotland Yard giving my stage name. My right name is Miss Juliette Kluth. I was living at the same address as I have given to-day. The prisoner had on a watch chain and a large gold watch, a hunting watch. I thought he was a gentleman by the way he spoke and a man of means. I think the chain he had on was gold; I didn't examine it. I did not notice whether he had any rings on his finger.

(Signed) Miss JULIETTE KLUTH.

The above depositions of JAMES NORRIS SUTTON, WILLIAM JOHN WEY, MARION TAYLOR, *alias* KATE DUNCAN, ALICE SINCLAIR, ETHEL ANNIE TOWNSEND, and LILY VINCENT, *alias* JULIETTE KLUTH,

were taken and sworn before me, the undersigned, one of the Magistrates of the Police Courts of the Metropolis at the Police Court aforesaid on the day and year first above-mentioned.

(Signed) J. SHEIL.

Metropolitan Police District to wit. The Examination of MARION TAYLOR, *alias* KATE DUNCAN, FANNY NUTT, and JOHN WATTS,

taken on oath this twenty-third day of January, in the year of our Lord one thousand eight hundred and ninety-six, at the Westminster Police Court, in the county of London, and within the Metropolitan Police District, before me, the undersigned, one of the Magistrates of the Police Courts of the Metropolis, sitting at the Police Court aforesaid, in the presence and hearing of Adolf Beck, who is charged this day before me, as aforesaid.

MARION TAYLOR, sworn.

Recalled and cross-examined—I did not meet the prisoner six years ago at Charing Cross. I don't know Brown's Hotel, Covent Garden. I did not stay there three years ago and breakfast twice with a man. I dare say I went to the Foreign Dog Show at the Aquarium at the latter part of last year. I did go. I did not meet the prisoner there and speak to him. I was not exhibiting a dog there, neither was a friend of mine.

(Signed) KATE DUNCAN.

## Examination of Fanny Nutt.

FANNY NUTT, sworn.

I live at 1 Rutland Street, Hampstead Road. I am a widow. In December, 1894, I was living at Lancy Street, Regent's Park. On the 2nd December, 1894, Monday, I was walking in Bond Street about six o'clock in the evening. I was dressed in deep widow's mourning at the time. A gentleman spoke to me in Bond Street. It was the prisoner. He said, "You must be a very young widow," and asked me how long my husband had been dead. I told him nearly twelve months. He asked me if he might be allowed to come and see me. I said I didn't know; I was rather reluctant in giving my address. He asked me for a card, but I hadn't got one to give him. He held my umbrella while I wrote my address down. He told me that he was going to a grand dinner that night, and couldn't stay to talk to me, but he would write and come and see me. I was talking to him for about ten minutes, perhaps. I understood he was to write and make an appointment to call on me. On the following morning I received the letter produced, marked P. in the envelope P. On that Tuesday, between one and two, the prisoner came to my house. I let him in and took him upstairs—I was in apartments. He took off his coat and hat and sat down in a chair by the fire. He began to tell me that he would like to keep me, that he would like to take me to his house to be his lady housekeeper. He said that he had a nice house in St. John's Wood, and that he'd just sent the lady away that was at his house, sent her away to Coventry, because she had misbehaved herself with some of his friends while he was away, some of his club friends had told him. He said that he was sending her away without any money whatever, all that she had was about £8000 worth of jewellery which he had given her. He was to allow me about £5 a week to begin with, and, if I suited him, would make it £10. He told me he had estates in Lincolnshire; he would be having some grapes sent the next day, and he would send me up a box. He said I should have to leave off my widow's mourning, and if I would give him some paper he would write a list of dresses that I was to get. He asked me what jewellery I had, as I should want some nice jewellery to wear in his house. I showed him what I had, and he wrote out another list which he took with him. I was to have a diamond and pearl brooch, a watch and dressing-case. I supplied him with some paper, on which he wrote the list marked Q. I did not suggest the things to him. He gave me that list, and took the jewellery list away. I was to order the dresses. He took two cheques out of his pocket, one for 10 guineas, the other for 15 guineas, and gave me the

## Adolf Beck.

one for 15 guineas, marked R., and said I was to pay £10 deposit, and keep the other till he came on the following Thursday. He addressed it himself—"The Union Bank, Belgrave Mansions," on a mourning envelope. The envelope was sealed down. I said it was rather a long way to go, the bank would be closed before I got there. He said, "Oh, it keeps open till six o'clock Christmas time." I said, "Can't I change it anywhere else?" He said, "Oh, no, it wouldn't do for a gentleman in his position to have his cheques changed anywhere." I showed him the rings I was wearing when he asked to see my jewellery. He said he should want some rings the size of my finger, he wanted them to fit nicely. He picked up some that were not of much value. Then he said, "Let me have that, that fits the best." That was my wedding ring which I was wearing. He had that ring. I was wearing another ring with a motto, "Love and Friendship," written inside—my husband's ring. He took that as well for the size of my middle finger. These rings were to be returned to me at five o'clock with the other jewellery he was going to buy me. A commissionaire, with one arm, from the Grand Hotel, would bring it. I was to see him again the following Thursday. The value of my two rings was £6 or £7. He did not give me any name, and I did not ask him for any. He was with me from an hour to an hour and a half. While he was with me I had a brooch on my dressing-table, a five-shilling piece mounted, marked 1822. After he had gone I missed the brooch. I valued it at eighteen shillings or a pound. I did not present the cheque at the bank. I showed it to a relative. In consequence of what he said and of inquiries made, it was not presented. In parting with my rings, I believed the cheque was a genuine cheque.

Cross-examined—My husband's name was Venmore Nutt; he was a corporal-major in the First Life Guards. He died at Albany Street Barracks, 11th January, 1893. On 2nd December the prisoner was with me about ten minutes. He was dressed in a tall hat, a dark blue overcoat with velvet collar, very small-checked trousers, rather light, fawn-coloured spats. I couldn't tell whether he had on patent boots. The next day he was dressed just the same. He took off his greatcoat. He was wearing a black frock-coat underneath. He was very nicely dressed. The coat was not shabby at all. He had a gold watch and chain on. It looked like gold. The chain was rather a massive one. He wrote the list freely, without any apparent difficulty, with a free hand. He gave no name whatever. He did not mention the name of de Willoughby. He did not give me his card. I was not at that time in the habit of receiving gentlemen without a name. I don't remember asking for his name. I was to see

## Examination of Fanny Nutt.

him on the following Thursday to make arrangements. I did not identify the prisoner in the yard out of a number of men. I read this case in the paper some time ago, and curiosity brought me to the Court to look at the man that was charged. This is the third time I have been to the Court; I identified him; I swear to the back of him.

Re-examined—I came to this Court the first time on the 9th. Up to that time I had not communicated with the police. I came and sat in Court. The prisoner was in the dock; I at once identified him. I gave the police my documents when I went outside. The prisoner did not come back the following Thursday, neither did the commissionaire come with the rings.

(Signed) FANNY C. NUTT.

JOHN WATTS, Detective, A Division, sworn.

Recalled—When the prisoner was arrested he gave an address at 139 Victoria Street, Westminster. I made a search there on the night of the 16th December, about eleven o'clock. I saw a quantity of clothing there, which I left behind, six or seven suits altogether. There were about two overcoats, a black frock-coat, a dress suit, and several other articles of clothing. I saw a new pair of patent shoes. I believe there was some boots. I went again on the 18th with Sergeant Beard. I saw there some letters and papers and a memorandum book. I took possession of those. The book is produced, marked No. 1. I found it in the writing-desk, which was locked. I also found the letters and papers numbered 2, 3, 4, 5, 6, and 7. I also saw a number of pawn tickets. I noticed the dates were 1890 or 1891, and I left them behind. Whistler was the name of one of the pawnbrokers, and Attenborough another. They referred to different articles of jewellery, brooches and rings, and a pin, I believe. There were about nine or ten pawn tickets altogether.

Cross-examined—I made a very careful search. I have seen the two kinds of cheques which have been given in evidence by the various witnesses. I did not find anything of the kind amongst the prisoner's things. I have seen these lists of goods. I did not see anything of the kind there.

(Signed) JOHN WATTS, P.C., C.F.D.a.

The above depositions of MARION TAYLOR, *alias* KATE DUNCAN, FANNY NUTT, and JOHN WATTS,

were taken and sworn before me, the undersigned, one of the Magistrates of the Police Courts of the Metropolis, at the Police Court aforesaid, on the day and year first above-mentioned.

(Signed) J. SHEIL.



## Adolf Beck.

Metropolitan Police District to wit. The Examination of  
FRANK COOPER, MINNIE LEWIS, EVELYN EMILY  
MILLER, MARCUS BROWNE, GODFREY CHET-  
WYND, THOMAS HENRY GURRIN, and ELISS  
SPURRELL,

taken on oath this 30th day of January, in the year of our  
Lord one thousand eight hundred and ninety-six, at the  
Westminster Police Court, in the county of London, and  
within the Metropolitan Police District, before me, the under-  
signed, one of the Magistrates of the Police Courts of the  
Metropolis, sitting at the Police Court aforesaid, in the  
presence and hearing of Adolf Beck, who is charged this day  
before me, as aforesaid.

FRANK COOPER, sworn.

I live at 69 Brook Street, Kennington Road. I am the  
smoke-room waiter at the Grand Hotel, at Charing Cross. I  
have been there between nine and ten years. I know the  
prisoner as a person who used the smoke-room. I knew him  
as Mr. Beck. I knew him as coming to the smoke-room on  
and off for the last six years. There are writing tables  
supplied with writing materials in the smoke-room. They  
are restricted to visitors if we know them. The letter and  
envelope marked P are our notepaper and envelope. It has  
not been in use more than eighteen months, as Hotel Victoria  
is on it. The Hotel Victoria only came into the company's  
possession on the 1st January, 1895. I never saw the  
prisoner's writing.

Cross-examined—Occasionally any one in the smoke-room  
could sit down and write a letter, unless they were checked  
by me or my assistant. Persons in the smoking-room are  
looked upon by us as respectable persons; I don't watch a  
person writing if I know him, and I know about 90 per cent.  
of our visitors. There is nothing to prevent a person taking  
a piece of paper or a dozen sheets. I knew Mr. Beck by  
sight. I last saw him about September or October last year.  
I recollect seeing him after I came back from my holidays,  
early in September. I did not see him again till he entered  
the Court to-day and I saw him in the dock.

(Signed) FRANK COOPER.

MINNIE LEWIS, sworn.

I live at 21 Langham Street. I am single. In April of  
last year I was living in Pimlico. A lady named Allen lived  
in the same house with me. On the 3rd April, 1895, the

## Examination of Minnie Lewis.

prisoner in the dock called at the house to inquire for Mrs. Allen. I had seen him at the house before when he called on several occasions. Mrs. Allen was not at home on this day. I told him that. He asked to be allowed to write a letter. I asked him into my room to write the letter. I was living on the ground floor. He went into my room. I went downstairs to get some notepaper and envelopes, returned with them. He was considering for a few moments, when he said he thought he would not write to Mrs. Allen. I told him I would leave the room while he wrote the letter. He said, "Oh, no, sit down for a moment; talk to me." He then told me he was trying to do some good for Mrs. Allen. He then said, "I have a house in St. John's Wood; I should like you to be my housekeeper." He told me that I should have to dress well. He wrote out a list of dresses, some from Redfern's. The list was destroyed; I think it was two or three days afterwards, when I was leaving for the Isle of Wight. He told me he would have me taught riding, and I was to go to Cobb's, in Baker Street, for my habit. He told me he was Lord Wilton. When making the list of dresses he asked me if I liked brown or grey. I said I liked grey for the tailor-made dresses. He said he preferred evening dresses for dinner. I was to have a riding habit and boots; I was to have my hats from Heath's, and rings from Bond Street.

The exhibit marked F is similar to my list of dresses. He gave me a cheque for £30 to pay for the dresses. I saw him write it. It is marked W. He put it in the envelope marked X.

I was wearing a gentleman's signet ring on my finger, with a crest. I was wearing another ring, which was of no value. He asked me for the signet ring, as he thought it was the best measurement; he was going to send me three or four rings, among them a marquise ring. They were to be sent the same evening by a man with one arm, and the signet ring was to be returned at the same time. When I parted with my ring I believed the cheque to be a good one and the statement as to himself to be true. He was with me a quarter of an hour or twenty minutes. He said he would write to me. After he'd gone I went down to St. James's Street and tried to find the Union Bank. I did not find any branch of the Union Bank there. I went to Charing Cross and presented the cheque. I couldn't get the money. I was taken to Scotland Yard by one of the bank clerks, and gave information to the officer on duty. My name and address was written down. At this Court last week I picked out the prisoner from a number of other men. The ring was worth about 10s.

## Adolf Beck.

Cross-examined—I do not know any of the women in connection with this case. When I went to Scotland Yard I gave a description of the man. It was taken down in writing. The man did not give the name of Lord Winton de Willoughby; he told me he was Lord Wilton. It was about three o'clock when he called. I think it was on a Thursday he called, about a fortnight before Easter. He had on patent boots, spats of the finest cloth, fawn-coloured; he had bluish-grey striped trousers, French grey, stripes downwards, black coat and vest, morning coat. He was wearing a gold watch and chain. To the best of my remembrance, it was a small chain. I saw the watch. He took it out to see the time. I couldn't see the face of it. He was wearing a seal attached to the chain with a crest on it, a white collar, I couldn't say to the tie. He had a silk hat and umbrella. He wrote freely, but when he signed the cheque he wrote back-handed. He wrote on the cheque A. W. Wilton, Esquire, or A. W. Wilton. I noticed it from the cheque after he'd written it. I was then living at 3 Charlwood Street. I occupied my own apartments there on the ground floor. I had been there two months. The prisoner had no more hair on his face than now. His moustache was dressed more military, it was more pointed. I identified him last week. I had only read of this case in the paper on one occasion. I have not seen the *Daily Graphic* of 22nd December before. I should say the photo is a very good one. The gentleman's signet ring he took away was not given to me. It was left by a gentleman at my rooms on the Sunday. His name was Richard Diesch. Prisoner did not take anything else. He did not tell me where the house in St. John's Wood was.

(Signed) MINNIE LEWIS.

EVELYN EMILY MILLER, sworn.

I live at 17 Park Villas East, Regent's Park.

On the 28th January, 1895, about five o'clock in the afternoon, I was walking in Bond Street. The prisoner stopped me and spoke to me. He raised his hat and asked me if he hadn't met me at a ball at Covent Garden I had been to two or three nights before? I said he might have met me there, but I wasn't certain. He said he was quite sure he had met me there, and might he call on me to lunch with me the following day. He said he was not quite sure he could come, but he would send a telegram the same evening to let me know. I said he might come and gave him my address. He did not give me his name or address. He told me the telegram would be signed "Wilton, Carlton Club." I had a telegram the same

## Examination of Evelyn Miller.

evening. I have destroyed it. It was an appointment for two the next day. On the following day at two o'clock, or thereabouts, he came to the house. He had lunch with me. Before lunch he said he had a house in St. John's Wood, that he'd quarrelled with his mistress, and that he would like me to go and keep house for him there. I asked who he was. He said, "There is only one Earl of Wilton, and I'm the man." I agreed to his suggestion to act as his housekeeper. He was coming a day or two afterwards to see me, and to arrange everything. During the conversation he said after the sitting of Parliament he was going for a trip to Italy, and would like me to accompany him. He said I was to have dresses and an outfit to go out there with, and he wrote the list of dresses down on a piece of paper which I provided. I kept it. He also wrote one for himself. My list has been destroyed with other papers. I looked for it afterwards and couldn't find it. He suggested the dresses, tailor-made gowns, afternoon gowns, and evening gowns, opera cloaks, riding habit, dressing-case, and boots. I was to get the tailor-made dresses from Redfern's, and the other gowns from Russell & Allen. My list was very similar to that marked F. He wrote me out a cheque for £30 to pay for the dresses. He tore it from a cheque book. It is marked V. He put it into an envelope. He told me to cash it, I think, at the South Belgravia branch. He said it was in Sloane Street. He wanted in addition to the dresses to give me some rings. He wanted the size of my finger. I asked him to take it in cardboard. He said that was no guarantee to size, and he much preferred having a ring. I was wearing some rings at the time. I wouldn't let him have those, I wouldn't take them off my finger. I borrowed a ring from my lady friend, value £6 or £7. I gave it to him. It was to be returned the same evening with the other rings. He was with me from an hour to an hour and a quarter. He told he he was going to see a pensioned-off coachman, who was living in the neighbourhood, and he borrowed £2 from me to give to this man as he had no change. He said he'd given me the cheque for £30, and I was to deduct it out of that. The rings did not come, and I never saw or heard from the prisoner again.

On the following day I took the cheque to Sloane Square, and was referred to the Balham branch. I went on there and presented the cheque. It was retained. I did not give my name and address. Last Thursday I came to this Court, and picked out the prisoner from amongst other men in the yard.

Cross-examined—I was living then at the address I have given. I have read of this case in the paper. I have taken

## Adolf Beck.

great interest in the case, because I wanted to get the ring back, and because I have been duped and robbed. I have not seen the prisoner again till last week. I communicated with the police at Albany Street police station. I gave a description of the man which was taken down in writing in my presence. I believed him when he told me he was Lord Wilton. He was dressed as a gentleman. He spoke with just a slight foreign accent, very slight. He had a silk hat, black frock-coat, black waistcoat, and a white waistcoat showing underneath. I did not notice whether he had a chain or not. He had dark grey trousers, patent-leather boots, and white spats. On the first day I met him he had a greatcoat on. I don't remember if it was a heavy fur coat. When he wrote he wrote freely—no difficulty apparently in writing or spelling. I read what he wrote. I don't remember any word being spelt wrong. There were several other cheques in the book.

(Signed) EVELYN E. MILLER.

MARCUS BROWNE, sworn.

I am the proprietor of the Covent Garden Hotel. The prisoner was lodging with me down to about September, 1894. I could not get my payment of my bill, and got rid of him and detained his trunk. At that time he owed me about £300. After his arrest in this case I allowed Inspector Froest to make a search of the things I had detained. I was present when they searched. I saw them find some white waistcoats and white spats, and also the book produced (marked No. 8) in manuscript. He had an umbrella with a gold or gilt handle, which he said he thought had been stolen from the hall. My son lost an overcoat about the same time. While he was with me he gave me a pawnticket to mind. It related to a gold watch. I kept it in my cash box. It is produced, marked No. 9.

Cross-examined—I brought an action against the prisoner and obtained judgment against him. Since then I have had transferred to me certain shares in the Hannan Main Reef. I think my judgment is satisfied. Prisoner always was hard up. I was unable to get my satisfaction of my claim until I attached these shares, which was during the present month. I put my claim in the hands of my solicitors, and they've done what they could to get the money. His clothes were not looking very seeedy when he left me, he always dressed well. He lodged at my place nearly six years. I have not had large sums of money from him—I have had some money.

Re-examined—My claim against prisoner was not for board and lodging only. I had advanced him money—about £1400; on one occasion I lent him money to go to Norway to assist

## Examination of Marcus Browne.

him in his mines and also to assist him in bringing out the companies in connection with the copper mines he was supposed to have in Norway.

(Signed) M. A. S. BROWNE.

GODFREY CHETWYND, sworn.

I live at 13A Cockspur Street. Financial broker. In June, 1894, the prisoner called on me and discussed some business with me with respect to a copper mine. I afterwards had some business transactions with him. In the course of these transactions I had to write to him from time to time. I had replies to my letters. The three produced, 10, 11, 12, are three of them. They are addressed from the Buckingham Hotel, Buckingham Street, Strand. I paid his weekly bill while he was there; occasionally I handed him the money. My office is at 13A Cockspur Street. I do not reside there.

(Signed) GODFREY J. B. CHETWYND.

THOMAS HENRY GURRIN, sworn.

My address is 59 Holborn Viaduct. I am an expert in handwriting. I have followed that occupation for about eleven years, and given evidence in a large number of cases. I have had submitted to me for examination the exhibits in this case, particularly the cheques produced by the various female witnesses, the lists of dresses and the envelopes in which the cheques were contained, and also the letter and envelope upon the Grand Hotel notepaper. I have carefully examined these exhibits. In my opinion they are all in the handwriting of one person. I can if necessary give my reasons for that opinion. I have also examined the book containing address marked No. 1, and the five documents written in pencil marked 2, 3, 4, 5, and 6, and the letter and envelope marked No. 7. I have also examined the writing in the manuscript book marked No. 8, and the letters produced by Mr. Chetwynd marked 10, 11, and 12. In my opinion these documents are undoubtedly in the handwriting of one person. I have compared the two sets, the set marked with the letters and the set marked with numbers, and I have formed the opinion they were all written by one person, one set of course being disguised. I should describe the general character of the hand as Scandinavian. In the exhibits marked with letters, I find more than one style of writing. There are two styles of writing on the bills, cheques, and lists. One is either vertical or sloping to the left back-handed, and the other has the natural slope to the right. The writing sloping to the left or written vertically

## Adolf Beck.

was written under the control of the arm rather than the muscles of the fingers and thumb. It appears to have been written without any effort—with ease.

The other writing appears to me to be a laboured writing in which the pen was immediately under the control of the muscles of the thumb and fingers. I have carefully examined these documents and made tracings of them, and can give my reasons for my opinions if they are wanted.

Cross-examined—I mean by Scandinavian a handwriting written by persons in those Northern countries, Norway, Denmark, Sweden, Finland. The writing which I inspected is mostly of that type. Some of the writing written with the forearm on account of being rapidly written does not show these characteristics. I am referring to the class of writing that you find in the signatures of the cheques and also on the envelopes enclosing the cheques. I don't say that that is not of the Scandinavian type. I say that owing to its having been written rapidly I cannot detect the Scandinavian characteristics, in fact some of it is illegible. The exhibits that are of the Scandinavian type of writing are, first the pocket-book (No. 1), next the other book (No. 8), the documents 2, 3, 4, 5, 6, and 7, 10, 11, and 12, the handwriting in the body of most of the cheques, speaking roughly. That fairly conveys my view. The remaining documents and the remaining portions of the cheques are in the Scandinavian type of writing, but they are disguised. When I say there are two styles of writing I mean one is natural and the other is feigned or disguised. On some of the documents we have both styles. Those marked 1, 2, and 3, and so on are of the first kind. With regard to the cheques there are two writings, both of which are in my opinion disguised, but, with reference to a portion the style is much more like the natural handwriting because written at the same slope. I have no objection to put in my report. It is numbered 13. The whole of the documents put to me in this case I have found to be undoubtedly in the same handwriting. You don't include that book No. 1. In that I found two distinct handwritings.

(Signed) T. H. GURRIN.

ELISS SPURRELL, sworn.

I live now at 19 Broadley Terrace, Marylebone. I am pensioned from the Metropolitan Police.

In 1877 I was in the Metropolitan Police E Reserve stationed at Hunter Street. On the 7th of May, 1877, I was present at the Central Criminal Court when the prisoner in the name of John Smith was convicted of felony, stealing earrings and

## Examination of Eliss Spurrell.

a ring and 11s. in money, the property of Louis Leonard, and sentenced to five years' penal servitude. I produce the certificate of that conviction marked Y. The prisoner is the man.

Cross-examined—There is no doubt whatever he is the man. I know what's at stake on my answer, and I may say without doubt he's the man. I took him in custody. I don't know where he was living. He was taken in custody at Euston Road. I could not find his address. The prisoner then represented himself as Lord Willoughby. I was unable to find out where he'd been living. There was nothing found out about him. I did not find out how long he had been in London before he was arrested. I only found out that he'd been to these different addresses in the 17 similar cases on that occasion. Smith did not give any account of himself. When he was charged he gave the name of Lord Willoughby. When he came before the magistrate he gave the name of Smith and refused his address. Inspector Redstone who took the charge also took part in the inquiry.

(Signed) ELISS SPURRELL.

The above depositions of FRANK COOPER, MINNIE LEWIS, EVELYN EMILY MILLER, MARCUS BROWNE, GODFREY CHETWYND, THOMAS HENRY GURRIN, and ELISS SPURRELL were taken and sworn before me, the undersigned, one of the Magistrates of the Police Courts of the Metropolis, at the Police Court aforesaid, on the day and year first above-mentioned.

(Signed) J. SHELL.

STATEMENT OF THE ACCUSED.—ADOLF BECK (hereinafter called the accused) stands charged before the undersigned, one of the Magistrates of the Police Courts of Metropolis sitting at the Westminster Police Court, in the Metropolitan Police District, this 30th day of January, in the year of our Lord one thousand eight hundred and ninety-six as hereinbefore set forth, and the said charge being read to the said accused, and the said witnesses for the prosecution being severally examined in the presence of the said accused, the said accused is now addressed by me as follows:—

“Having heard the evidence do you wish to say anything in answer to the charge? You are not obliged to say anything unless you desire to do so, but whatever you say will be taken down in writing and may be given in evidence against you upon your trial, and if you desire to call any witness, you can now do so.”

Whereupon the said accused saith as follows:—

“No.”



## Adolf Beck.

Taken before me at the Police Court aforesaid, on the day and year above-mentioned.

(Signed) J. SHELL.

EXTRACT from the REPORT of Mr. T. H. GURRIN,  
29th January, 1896.

I should also add that in accordance with instructions received from the Treasury I have examined at the Old Bailey the exhibits in the case of Smith, *alias* Willoughby, of 1877, and, having compared the exhibits therein with the bills and cheques in this case, I am perfectly satisfied that they are all in the self-same handwriting—the disguise then adopted is the same as that now adopted, and the exhibits in that case must, in my opinion, have been written by the person who has written the bills and cheques in this case.

## APPENDIX V.

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### CORRESPONDENCE, &c., RELATING TO BECK'S FIRST CONVICTION.

Letter from Mr. T. Duerdin Dutton to the Commissioner of Police, 26th March, 1898; Police Report thereon, and the Commissioner's reply.

(i.)

*Re* ADOLF BECK.

Churton Street, London, S.W.,  
26th March, 1898.

GENTLEMEN,

I am about to seek an interview with the Home Secretary respecting the above-named convict, who is undergoing sentence in H.M. Convict Prison at Portland.

He was tried in March, 1896, at the Central Criminal Court, and it was then alleged against him that he, on the 7th day of May, 1877, was convicted in the name of John Smith, and sentenced to five years' penal servitude.

There was overwhelming evidence, which the learned judge ruled to be inadmissible on the trial, to prove that Adolf Beck was resident in Peru during the whole of the period John Smith was in prison in this country, and long before and afterwards.

Will you, under the circumstances, allow me to inspect the papers of John Smith and Adolf Beck, so that I may have an opportunity of comparing them.

I am, &c.,

(Signed) T. DUERDIN DUTTON.

To H.M. Commissioners of Police,  
New Scotland Yard, S.W.

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(ii.)

Criminal Investigation Department,  
New Scotland Yard, 29th March, 1898.

Referring to the attached application from Mr. Dutton,

## Adolf Beck.

solicitor, for permission to inspect the papers of Beck and Smith, I beg to report that these documents are confidential and privileged, and should not be shown to Mr. Dutton.

The previous conviction was proved against the convict at the Police Court, and he was also indicted for the same at his trial, and witnesses were in attendance to prove it, but the Attorney-General entered a *nolle prosequi*, and Beck was sentenced only for the offences upon which he was convicted, and that upon overwhelming evidence.

(Signed) FRANK C. FROEST, Inspector.  
D. S. SWANSON, Superintendent.

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(iii.)

Convict Supervision Office,  
New Scotland Yard, 31st March, 1898.

SIR,

Referring to your communication of the 26th instant, relative to the case of Adolf Beck, I have to acquaint you that your application to examine and compare official police papers is one which cannot be entertained.

I am, &c.,

(Signed) R. ANDERSON.

To T. Duerdin Dutton, Esq.,  
Churton Street, S.W.

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Letters written by Mr. T. Duerdin Dutton to the Home Office in May, 1898.

(i.)

To the Right Honourable Sir Matthew White Ridley, H.M.  
Principal Secretary of State for the Home Department.

Churton Street, London, S.W.,  
10th May, 1898.

*Re* ADOLF BECK.

SIR,

I am acting as solicitor for the above-named convict who, on the 5th day of March, 1896, was sentenced at the Central Criminal Court by the Common Serjeant, Sir Forrest Fulton, Q.C., to seven years' penal servitude.

## Correspondence with Home Office.

Subsequently I presented a petition for your consideration on his behalf, and I understand that Beck has also presented more than one, the contents of which latter I am not acquainted with.

There are certain circumstances connected with the case which were not admitted as evidence on the trial that point strongly to the fact that, notwithstanding the evidence of identity produced on behalf of the Crown, the prisoner was and is innocent of the offences alleged.

On 26th March last I applied to H.M. Commissioners of Police for permission to examine the records of Beck and a former convict, John Smith *alias* Vilvoir Weisenfells, who, in May, 1877, was also convicted at the same Court for similar offences, but my application was refused.

I therefore respectfully ask you to grant me an interview, so that I may have an opportunity of explaining personally the nature of the circumstances I refer to.

I am, Sir,

Your obedient servant,

(Signed) T. DUERDIN DUTTON.

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(ii.)

To the Under Secretary of State,  
Home Office, Whitehall, S.W.

*Re* ADOLF BECK.

Churton Street, London, S.W.,  
16th May, 1898.

SIR,

I am obliged for your letter of the 12th instant. My reason for seeking an interview with the Secretary of State respecting the case of the above-named convict is that from information in my possession it would seem that Beck is innocent of the offences for which he is now undergoing imprisonment, and that that there has been a grave miscarriage of justice in his case. These facts were embodied in a petition presented by me to the Secretary of State as long ago as May, 1896, and I crave leave to refer to that petition and the documents accompanying it.

In the year 1877, a man who gave the name of John Smith (otherwise known as Ivan Weisenfells) was convicted of a series of offences carried on precisely the same lines as

## Adolf Beck.

those alleged against Beck in the years 1894 and 1895, and for which he was tried and found guilty at the Central Criminal Court on the 7th day of May, 1877. Reference to the documents in Smith's case shows conclusively that his handwriting and that on the documents produced against Beck is identical. This statement is supported by the evidence of the expert in handwriting, Mr. Gurrin, who at Beck's trial was called for the prosecution, and stated that in his opinion the two sets of documents were in the same handwriting. It is clear, therefore, that the offences committed in 1877 by Smith and those in 1894-5 were all committed by one and the same person.

When the offences in 1877 were committed by John Smith, afterwards when he was in prison as well as for several years before and after, Beck was in Peru and never once visited this country, and witnesses of the highest character and reputation were brought to the Court on his trial to testify to that fact, but the learned judge, Sir Forrest Fulton, ruled that the evidence was inadmissible on the indictment on which he was tried. There were indictments on the file alleging Beck's previous conviction in 1877, upon which if he had been tried he would have had an opportunity of proving his innocence, but they were not proceeded with, and the Treasury entered a *nolle prosequi* thereto; yet, notwithstanding, Beck was branded as having been already convicted for the same offence and more severely punished in consequence, as is proved by the learned judge's remarks.

I do not know whether anything is known of the antecedents or parentage of the man John Smith, but it can be proved conclusively that Beck was born at Christiansund in Norway in the year 1842, and that he has always been known as Adolph Beck and by no other name.

I have already given the names of the witnesses who knew Beck in Peru during the years mentioned, and who are still available to give evidence, and I am instructed that others can now be called to speak to the same fact.

I beg to ask the careful further consideration of these facts, which points so strongly to Beck's innocence, and I shall be pleased to add any further information in my power to assist the investigation.

I am, Sir,

Your obedient servant,  
(Signed) T. DUERDIN DUTTON.

# Correspondence with Home Office.

(iii.)

To the Under Secretary of State,  
Home Office, Whitehall, S.W.

*Re* ADOLF BECK.

Churton Street, London, S.W.,  
25th May, 1898.

SIR,

Referring to my letter of the 16th instant respecting the above, I have been informed that it is believed the man John Smith, *alias* Ivan Weisenfells, was of the Jewish persuasion, and would therefore have been circumcised in accordance with the custom of his race. I do not know whether this appears on the records of John Smith, but it can, of course, be easily proved that Beck has not been circumcised.

It can also be easily proved that Beck is a Norwegian subject and a copy of his certificate of baptism obtained and evidence produced to show that he is the man referred to therein, whereas I am informed that Smith or Weisenfells was not a Norwegian subject.

I have the honour to be, Sir,

Your obedient servant,  
(Signed) T. DUERDIN DUTTON.

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Letter dated 12th May, 1898, from the Prison Commissioners to the Governor of Portland Prison, and the Minutes made thereon.

Prison Commission,  
Home Office, Whitehall,  
12th May, 1898.

To the Governor, Portland Prison.

D.W. 523 ADOLF BECK.

Please forward the Penal Records for the above-named convict.

(Signed) E. G. CLAYTON,  
Secretary.

# Adolf Beck.

*Minutes made on the above letter.*

(i.)

Noted. Penal Record herewith.

(Signed) B. PARTRIDGE,  
Governor of Portland Prison,  
13/5/98.

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(ii.)

Penal Record returned. Be so good as to have this prisoner's description revised carefully. The marks, &c., shown do not agree with those on the old Penal Record. Send up a full description after marks, &c., have been retaken.

(Signed) E. G. CLAYTON,  
Secretary to the Prison Commissioners,  
14/5/98.

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(iii.)

Marks retaken and inserted in description. It appears from a statement by the medical officer on an application to change religion, dated 13/1/79, in the case of D. 523 John Smith, that this prisoner had been circumcised. I requested the medical officer to examine D.W. 523 A. Beck, and enclose his report, from which it will be seen that Beck has not been circumcised.

Penal Record returned.

(Signed) B. PARTRIDGE,  
Governor of Portland Prison,  
19/5/98.

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*Copy of the Report of the Medical Officer mentioned in the above Minute:—*

The Governor, Portland Prison, to the Medical Officer,  
Portland Prison.

D.W. 523 ADOLF BECK.

Will you be good enough to inform me if the above-named prisoner is circumcised.

(Signed) B. PARTRIDGE,  
Governor.

The Medical Officer, Portland Prison, to the Governor,  
Portland Prison.

## Home Office Minutes.

No. He has certainly not been circumcised.

(Signed) O. M. MADWELL, M.O.,  
18/5/98.

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HOME OFFICE MINUTES: May and June, 1898.

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(i.)

I believe Mr. Dutton is so far right that Beck and Smith are different persons, which is shown by the marks on them, which I have compared, and which differ widely, and which curiously have never been referred to before; but this does not prove that Beck was not guilty of the many offences of the same kind of which he was convicted, he having been satisfactorily identified by numerous women whom he had defrauded; though it does prove that the police witness was mistaken, and shows how invaluable in such a case would have been the measurement system.

C. M. 23rd May, 1898.

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(ii.)

It is a very curious case, but the evidence of Beck's identity by the numerous women he had defrauded was positive. I have seen Inspector Froest, who was examined at the trial, and he says that the evidence of the women was overwhelming.

The fact of Smith's circumcision was ascertained when he applied for leave to change his religion to the Jewish.

Though the present conviction is not affected by the representations made by Mr. Dutton, I think the papers should go to the Common Serjeant for his opinion and observation.

C. M. 27th June, 1898.

I agree. K.E.D. 29th June, 1898.



# APPENDIX VI.

## Note of the DISTINCTIVE MARKS of JOHN SMITH and ADOLF BECK.

	JOHN SMITH.	ADOLF BECK.
Complexion ...	Dark ...	Fresh.
Hair ...	Brown ...	Grey.
Eyes ...	Brown ...	Blue.
Height ...	5 ft. 6 ins. ...	5 ft. 6 $\frac{3}{4}$ ins.
Build ...	Proportionate ...	Proportionate.
Shape of Face ...	Oval ...	Oval.
Marks—		
<i>Right Side</i> ...	Scar bottom lip. ,, upper part of nose. ,, jaw. Two vaccination marks. Scar outside arm .. Mole arm pit.	Long scar front of upper arm. Scar head. Small mole neck and nape of neck. Boil scar above shoulder blade. Slight scar front shin.
<i>Left Side</i> ...	Mole neck ... ,, shoulder ... Three vaccination marks ...	Scar cheek. Slight scar front shin. First joint fourth finger slightly contracted.
	Circumcised ...	Not circumcised.

[*Note.*—This is a copy of one of the documents enclosed in the letter sent by the Home Office to Sir Forrest Fulton, dated 8th July, 1898.]

## APPENDIX VII.

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Christiania Police Headquarters, Detective Department,  
No. 864, 1896.

Christiania, 14th February, 1896.

With reference to the letter of the 5th inst. from London Police Headquarters, Detective Department, with respect to the Norwegian, Adolf Beck, previously arrested in London, investigations have been made, and the results thereof are as follows:—

1. Charles Delgobe, engineer, of 32 Oskarsgade, declares that he has known Adolf Beck since 1889 or 1890, when he was in this country and purchased a mining property in Telemarken; he was to pay 100,000 kroner for the property, and paid 63,000 kroner in cash. Silver and copper were to be extracted from this mine, and a certain number of workmen were employed there, but up to date no ore was sold out of it. When the purchase was concluded the deponent was engaged by Beck as manager of the mine at a fixed annual salary, of which up to the present he has received nothing, so that the deponent has now 5000 kroner to his credit. Beck has since then been several times in this country, the last time being in October last. The deponent knows that Beck is free-handed when he has money in his possession; he also is somewhat given to drink, and when he is in an intoxicated condition he likes to associate with women, especially those of the lowest class. The deponent has never heard of Beck doing any dishonest business. He has heard that Beck came from Christiansund, which he left at the age of fourteen or fifteen to go to sea, and since then there is no doubt he has wandered all over the world. It is quite certain that the money he had to put into the purchase of the mine was acquired through speculation in railroad construction in Spain. The deponent thinks that Beck is in debt on his mine to a considerable amount, but in the event of the mine being sold, deponent thinks he will get his money back. The deponent recognises with certainty the Beck he has been talking to as being the same person as is shown in the photograph sent here by the London police.

2. Fritzner, hotel-keeper, of the Hotel "Grand," declares that he has known Adolf Beck since he was in this country some years ago and purchased some mining property up in

## Adolf Beck.

Telemarken, as at that time and on several occasions since then he stayed at his hotel, the last time being last October. Beck was very open-handed when he had money on him, but in the autumn it seemed as if he was short of cash. A couple of years ago Beck was in debt to the deponent for about 700 kroner, partly for loans and partly for his board in the hotel, but deponent got this money back in the autumn. Deponent has observed that Beck is of an unattractive appearance, so that he cannot imagine how any human being could be led astray by him. Deponent has never noticed that Beck has shown any special love for the society of women, but deponent has never been round the town with him, and therefore has no definite information on this point. He has never heard that Beck has done anything in this country that is punishable. The last time deponent spoke to Beck he said that he had lately been in South America. Deponent recognised Beck from the photograph.

3. Schweigaard, advocate, No. 2b Prinsengade, has stated that he has no knowledge of Adolf Beck, but, on the other hand, his colleague, Mr. Klingenberg, advocate, had some dealings with him.

4. Mr. Klingenberg, advocate, declares that Adolf Beck, whom he recognised from the photograph, came to him in 1889 with a request for assistance in drawing up documents in connection with the purchase of some mining properties up in Telemarken, which deponent likewise executed for him. For these mining properties Beck paid in cash about 60,000 kroner. Since then Beck has been several times in deponent's office, and in a letter dated London, the 2nd of August, 1895, deponent received from Beck 360 kroner for renovation of the mine property in Telemarken, and there is still something owing to deponent for his services. In October last Beck was in deponent's office, in the company of some Englishmen who had been up to Telemarken and had inspected his mining property with a possible view of purchasing the same, but it is certain that no business was done. Deponent has no other knowledge of Beck.

5. O. & A. Hjorth, engineers, of 34 Kirkegaden, have both declared that they got to know Beck in 1890, when he undertook to procure purchasers for the Nysæter mine, in Hadeland, which belonged to them, which he did, the mine being purchased by the Spanish Company, Limited, London. On this transaction Beck received a commission of 5400 kroner, which was paid to him in cash; but notwithstanding this, he had received from the purchasers of the mine in London a portion in advance of the commission coming to him, which was then deducted when settlement of the sale took place. This, together with a loan

## Report from Christiania Police.

in cash of about 1000 kroner, amounted altogether to 7750 kroner, which Beck still owes the deponents. They cannot say that they have experienced anything absolutely dishonest with Beck. The last time deponents saw Beck is now two years ago, as they were not at home in the autumn when Beck was here.

6. Rolf Andvord, steamship agent, of 2B Prinsengade, has declared that some years ago he got to know a person in this town of the name of Adolf Beck, and a year later deponent made a journey to London with the object of trying to sell his mining property in Telemarken, which property he almost succeeded in selling, when one day he met Adolf Beck, who finally wished to purchase the mine, and a purchase contract was drawn up between them, as Beck promised to come over here soon afterwards in order to settle further about the purchase, but he was, however, a long time before anything was heard from him, so that deponent had to telegraph to him. Later on Beck finally arrived, and had with him a cheque or transfer from a Spanish company in London amounting to 63,000 kroner for the purchase of the mining property. The transfer in question was so made out that the relative drawer did not have to pay the amount if he did not find a sufficient guarantee for the amount, but the firm concerned certainly found this, as the deponent had the amount previously agreed on paid to him for the mine. Deponent should have had almost twice this amount for his mine, but as at the moment he had no other purchaser, he allowed Beck to have the property for the amount mentioned. Deponent does not remember the name of the firm which bought the mine, but, according to what he heard later on, it appears that some time afterwards this firm failed. Beck twice borrowed money from deponent; he (? deponent) likewise also paid something for renovation of Beck's mine property, as the latter had neglected to look after this, so that deponent now has not a little owing from him. Deponent has sized up Beck as being an adventurous and irresponsible individual, and for this reason deponent has always kept a safe distance away from him. Deponent has not had any other transactions with Beck than the above-mentioned. Deponent recognised Beck in the photograph as the person in question.

It will be observed that there appears nothing here to show that Beck has at any time been prosecuted or punished in this country.

Yours faithfully,

(Signature)

To the Chief of Police.

## APPENDIX VIII.

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REPORT OF THE TRIAL OF ADOLF BECK at the CENTRAL CRIMINAL COURT on the 27th June, 1904, contained in the Central Criminal Court Sessions Papers.

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OLD COURT—Monday, 27th June, 1904.

Before Mr. JUSTICE GRANTHAM.

ADOLF BECK (63)—Unlawfully and fraudulently obtaining by false pretences from Rose Reece a gold ring, from Pauline Scott a watch, a ring and £1, from Grace Campbell a ring, from Lily King a ring and 4s., and from Caroline Singer £2, with intent to defraud.

Mr. MATHEWS, Mr. BODKIN, Mr. BIRON, and Mr. STEPHENSON prosecuted; and Mr. LEYCESTER defended.

ROSE REECE—In August, 1903, I was living in Marylebone Road—I was then out of an engagement—one afternoon in that month I was near Oxford Circus—the prisoner spoke to me—I swear he is the man—he said he had seen me on one or two occasions before, and was desirous of making my acquaintance—that he had only five minutes to spare, would I kindly give him my address!—silly like, I gave it to him—in the hurry I did not think there was any harm in it—about a week afterwards I received a letter in writing like this one (produced)—it had “Hotel Victoria” stamped on it—I have destroyed it—it said, “Will call upon you at 4.30 in the afternoon to-morrow”—nobody came, but about six weeks afterwards the prisoner called and said, “You remember receiving a letter from the Hotel Victoria”—I said I did, and asked him in, because he said he was interested in me, and would like to know something about me—I told him I was a housekeeper out of an engagement, but was looking for one—he said he had a large house in St. John’s Wood, and wanted a housekeeper—I thought it was a good opportunity—he did not describe the house, except to say that he had a cook and a housemaid there—he said I should require some dresses, as I was then rather badly off for them—I was to get a tailor-made dress—I cannot remember each one, but he made a list in



**Adolf Beck, 13/7/04 (Second Conviction).**



## Report of Beck Trial in 1904.

pencil—the writing was similar to this list, but the amount was different—I was to get the dresses at Madame Hayward's in Bond Street—he said he thought that would be a nice place to go to, as he had got many dresses there and was known there—he saw I had a little ring on my finger, and he asked whether I would like another—I said I should—he asked if the one I had on fitted me well—I said it did—he said he would take it for the measurement—he did so—it had a design of a shamrock in the centre and three diamonds and a ruby on either side—it was worth about £4—I had had it for some time—he asked me what sort I would like, and I said a diamond and turquoise—he said it should be so, and that it would come from Streeter's in Bond Street—he wrote me out a cheque for the dresses for £74—it was similar to this document—he would not let me see it, but sealed it up in an envelope, and addressed it to the Union of London Bank, Pall Mall—he would not let me see the signature—I tried to see it, and asked him if he would tell me what it was—I tried to look over his shoulder, but he put his arm up, and said I was to take it just as it was to the bank—I saw that it was written on a half-sheet of notepaper which I gave him—I said, “Had not you better write it on a cheque form?”—he said, “Immediately they see my signature they will give you the money”—he took the ring off my finger; I did not give it to him—I cannot say if he did so before or after he wrote the cheque—I should not have let him take my ring away if I had not believed his story—I begged him to be careful not to lose it, because it was a present from my mother—he made a pretence to give it back to me, but did not do so—I let him take it away as he promised to return it the following morning—next day I went to find the Union Bank in Pall Mall—I asked several policemen, but they said there was not one there; the nearest one was in Cockspur Street—I went there and presented the cheque—before that I had steamed the envelope open and looked inside and then closed it—that is how I know it was like this cheque—I could not make the signature out—the cheque was not honoured at the bank—I never saw my ring again, and I did not see the prisoner until I picked him out of a number of other men, I believe, at Paddington Green police station, about 23rd April—I gave the police a description of the man who has swindled me.

Cross-examined—When I picked him out I believed he was already in custody on Miss Scott's charge—I did not particularly notice the other men when I picked him out—I believe all of them were younger than he is—I cannot remember if any of them had grey moustachios—I caught sight of the prisoner immediately—I had never seen the man who robbed me before August, and upon that occasion I was only with



## Adolf Beck.

him about five minutes, talking in the street; it was about 5 p.m.—I did not see him again until October—I saw him then for just an hour—I did not see him after that until 23rd April—I do not remember if anything was said when I picked him out—his nose is most peculiar, and is one I could pick out of a thousand—his whole face is different from any other man I ever remember seeing—when he came to me he had on a jacket suit of black and fawn small check—it was not a dark suit, but rather light, and had white spots—he had no overcoat—I think when I picked him out he had on a brown suit, not a blue one, as he has now, but I am not certain—I looked at his face, not his dress—I think he had eyeglasses on then—the man who robbed me was not wearing eyeglasses when he came to see me—I cannot quite remember if he put them on to write—I kept all the documents until the Friday before he was arrested, when I tore them up—I am positive about the writing—it slopes backwards, which is rather peculiar—I have seen German writing sloping like that—I do not think it is often seen in English writing—I remember the signature perfectly—nobody can read it, and that is what makes me remember it.

Re-examined—I have never seen a signature like it before—I have not the slightest doubt that the prisoner is the man who robbed me.

PAULINE SCOTT—On 22nd March I was living at 27 Cambridge Terrace—on that day I was in Oxford Street—the prisoner came up and spoke to me—he asked for my address, and if I would like to meet him again—I gave him my address—he said he was staying at the Hyde Park Hotel—next day I had this letter from him (produced); it is written on Hyde Park Hotel notepaper: (read) “My dear Miss Scott,—I shall have pleasure in calling to-morrow between 1 and 2.—Yours —” —the signature I cannot make out—he called next day—he said he would like to make me a little present, as he was interested in me—he wrote out this list of addresses, which I was to get (produced)—he said he was a lord, I do not remember the name, I think he said Willoughby—he said he could not stay long as he had to go to the House of Lords—he wrote out this cheque (produced) to pay for the dresses; it was written on an ordinary sheet of note paper—he asked me to get the paper, as his valet had forgotten to put his cheque-book into his pocket—he put it into this envelope, but did not seal it up—he asked me if I would like some jewellery—I said I should—he told me he would send me some, and asked me if I would like a ring, and if I had one to take as a measurement—I gave him one and he said it would do very nicely—it was not a very expensive one—the prisoner asked

## Report of Beck Trial in 1904.

had I not got a better one, which would fit me better—I said I had not—he asked me if I would like a watch—I said I had one, but it was out of repair—he asked me to let him see it—I showed it to him—he said, “It is a nice little watch; I will take it and have it repaired for you”—the watch and the ring were not very valuable—I have had the watch ever since I was a child—I then said I was going out to have some lunch—he said he would come with me, but he had got no money on him—I had my purse which he took, and took a sovereign out, and said, “This will pay for the lunch”—we went, and got to Edgware Road—he said, “I think you had better get into a cab and drive to the bank or it will be closed—he did not have any lunch—I got into a cab and drove to the bank—I got there and found the cheque was no good—that was between 1 and 2 p.m.—I did not remember the banks did not close till 4 p.m.—the prisoner said it was quite a mistake that he had got no money, that he had got up late, and his valet had forgotten to put any in his pocket—I did not get my lunch, but the prisoner got my watch and ring—I then went to Scotland Yard and gave a description of the man who had swindled me—I afterwards received information from the police, and went to a restaurant at 35 Oxford Street—I did not recognise the prisoner there—as a matter of fact that night I felt so nervous I could not have spoken to him even if he had been there—I saw somebody who I thought was like him; he was wearing glasses then, but not when I met him—I was in rather an awkward position behind a partition, and could not see him—the morning he was arrested he had glasses on, and I recognised him quite well—on 15th April I was with Detective Ward, waiting at the corner of a street in Tottenham Court Road, I do not know the name—I saw the prisoner; I went over to him and asked him what he had done with my jewellery—I said, “You are the man who took my jewellery and my sovereign”—he said, “No, I am not; I do not know you; I have never seen you in my life before”—I said, “You are the man who took my jewellery”—he said, “Who put you up to this? You come with me to my solicitors”—I said, “I have got somebody waiting for you here”—he tried to make off round the corner, but of course Mr. Ward came up and took him to the station.

Cross-examined—The prisoner kept on denying that he had ever seen me before—that was the first thing he said when I stopped him—I expected to see the prisoner there—I think it was at the corner of South Street—I did not see the prisoner come out of a house—he was going to pass me without taking any notice of me—I never saw him before 22nd March—on that day he was only with me a few minutes in the street—it was between 5 and 6 p.m.—the next time I saw

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him was at my lodgings about 1.10 p.m.—I only saw him for five or ten minutes on that day—he was not wearing spectacles or glasses at that time—I think he wrote the cheque and list without using glasses, but I am not quite sure about that; I did not look at him while he was writing—he was dressed in a dark overcoat, a bowler hat and spats, and I think he had a light overcoat—I did not see him without an overcoat, so I do not know what he had on underneath—I do not know if he had a velvet collar—on 15th April he was dressed as he is now; he had no overcoat then—I think he was wearing eye-glasses then, but I am not sure—I have seen him since, in custody, without glasses—at the police station he was told to take them off—he wore them until he was told to take them off—I went to the restaurant in Oxford Street on 31st March with Ward—I went in and sat down—I did not notice if the prisoner was standing talking to the proprietor when I went in—I went there to see if I could see the man who had robbed me—I do not think he was there when I went in—I looked round to see if he was there—I saw a man talking to the proprietor—I believe now it was the proprietor—I did not quite recognise him then, but inwardly I thought he was the man—I do not say so—I do not remember if I said at the Police Court that the man was not the prisoner—I stayed at the restaurant one and a half or two hours—I do not think the prisoner was there all the time—the man I was doubtful about went out—I do not know how long he stayed there after I went in—I have not the least idea if it was five minutes or an hour—Ward was not with me—I suppose he waited outside—I did not notice how the man was dressed; he had glasses on then.

LILY KING—I live at 4 Gerard Mansions, Piccadilly—in March I lived at 18 Gloucester Mansions, Cambridge Circus. On 28th March, about 8 p.m., I was in Regent Street—the prisoner asked me for my address—I gave him a card—next day I got this letter—(read) “Hyde Park Hotel, Monday evening. My dear Mrs. King—Please expect me to-morrow, Tuesday, between one and two o’clock,” with this signature which is illegible—this is the envelope—next day the prisoner called between one and two—I saw him in my sitting-room. He offered to take me to his house—he said he had two servants, but I should feel lonely because he had no time—he said I could not go to his house as I was, and that I should have to have some dresses—he said he was a lord, and had a house in the country, with a fruit garden and a wine cellar—he wrote out a list of dresses amounting to £230—he wrote me out a cheque for £250—at first it was £225, then he said

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"Do you owe something?"—I said, "A couple of quid," and he said, "I will make it £250"—he put it into an envelope—I saw him writing it, but I did not see the cheque—I was wearing some rings—he asked for one—he took a plain gold one as a measurement—he said he would buy me some, and they would arrive at four o'clock that day—he left the house—I was to go quick to the bank—he told me to give my servant half a sovereign, which I did—he said he had not got half a sovereign himself, as his servant had not put any money into his pocket—he borrowed the half-sovereign from me to give to my servant—he said, "I have not got any change about me; have you got any?"—I said, "Yes, but I have only got 4s."—he said, "Give it to me"—he took it and the ring—I went right away to the Union Bank, Knightsbridge—I did not get the cheque cashed—I think the prisoner was wearing glasses, but I am not sure—I afterwards saw him at the Court with a number of other men and picked him out.

Cross-examined—He was then in custody—I noticed the other people he was standing with; I think about nine or ten were there—I think they were all younger than the prisoner—I do not think there was anybody else there with a grey moustache—I told the police the man who robbed me had a grey moustache—I do not know if I mentioned that he wore glasses—I did not remember anything about his wearing glasses until I was asked about it at the Police Court—I never saw him before 28th March—I only saw him for a few minutes on that day—and for about half an hour on the next day—those are the only times I saw him—he was dressed in dark clothes—he had a dark black overcoat on—I did not notice the collar—he said he was a lord, but he did not say what his name was—he spoke in English—I cannot speak English very well—I did not talk any German to the man who robbed me.

Dr. BORD—I practise at 118 Seymour Place. I saw Grace Campbell at 23 Quebec Street, Wardour Street, this morning. She is unable to leave her bed, and has been unable to do so for the last ten days, in consequence of the state of her health.

Inspector WARD—I was present at the Police Court when Grace Campbell gave her evidence in the presence of the prisoner. He had an opportunity of cross-examining her. She signed her deposition as well as the Magistrate (deposition read): "I live at 123 Quebec Street, Wardour Street. I am single and of independent means. In February I was in Albemarle Street. It was between 24th and 28th February,

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between 4 and 5 p.m. I had been at an office. As I was going away the prisoner spoke to me. I was quite alone. I had seen him before I went into the office in the Arcade between Bond Street and Albemarle Street. As I came out he spoke to me in a most gentlemanly manner. He said, 'I have seen you somewhere before.' I said, 'Probably you have.' He said he had seen me in Scotland. I am Scotch. I asked him who he was. He said he was a friend of the Sessoons in Park Lane. He said he would like to take me out to lunch, and asked my name and address. I gave it to him. I told him I did not want my people to know I had done so. He said he did not want his to know either, as he was a great lord. He did not tell me what his nationality was. I had a letter next morning which I at once tore up; it bore the address of the Albemarle Hotel, where the prisoner said he had stayed some months. It was in exactly the same printing as exhibit 7. He called at the address I gave him next day as I was finishing luncheon. The friend I was staying with came in for a moment while he was there. Prisoner only stayed a few minutes. He said he had a house at Abbey Road, St. John's Wood, with servants. He said he had a lady friend staying there, and asked me to take her place. I declined. I was wearing two diamond rings. He looked at them, and said they were not good enough for me, and he would get ever so many grand rings from Streeter's in Bond Street for me. He asked me to let him see my half-hoop diamond ring for a pattern and to show the size. I let him see it and went and spoke to my friend in the next room. When I returned, I did not want to part with it, and he gave it back to me. Eventually I let him take a plain gold ring, which I told him had belonged to my mother. He said, 'You don't trust me?' I said, 'Well, I don't, for a gentleman does not usually ask a lady for a diamond ring to act as a pattern.' He took away the plain gold ring. It was worth about £1. He said I should have a great many dresses as a present, and I was to get them from Hayward's in Bond Street. He wrote out a list of them on a piece of paper, and read it to me. He took one list away and left one with me, which I destroyed. The handwriting it was written in was exactly similar to that on document marked 3, but my list was much more sumptuous, and the dresses were to cost £250. He wrote out a cheque for that amount, and said I was to take it as a present. It was on plain paper on the Union Bank, St. James's. He left it in an envelope sealed up. He told me not to touch it, but to go to the Union Bank, St. James's Street, next morning. I destroyed that cheque directly he had gone. It was in exactly the same writing as that marked 2.

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He told me to stay in till 6.30 p.m., because he would go to Streeter's and get my rings, and would send them to me by commissionaire. I never received any ring nor my own back. I never took the cheque to the bank. I never heard from him again. Last Saturday I picked the prisoner out from a great many other men. I have not a doubt he is the man."

Cross-examined—At first I believed in him, but when he asked for my ring I suspected him—I never thought the cheque was genuine—I never expected to see my ring back. When I saw him first I only talked to him for a few minutes. The interview at my friend's only lasted half an hour—he had a dark grey overcoat and patent leather boots on, a foulard tie with a cheap pearl pin—I can identify the prisoner by his general appearance, back and front from top to bottom—the men he was placed among were all younger than the prisoner—the man who called on me wore eyeglasses and a pair of gold pince-nez.

CAROLINE SINGER (interpreted)—In March I was living at 4 Keppel Street—I recollect meeting a man in Oxford Street who asked if he might go home with me—he asked for a card; as I had not got one I gave him my address—some days afterwards I received this letter (produced)—the man called next day which was Sunday—he said, "I am very rich, and have got plenty of money"—he wanted me to go to his house—I said, "I am married"—he said, "It makes no difference; I want you as a friend"—we spoke in English—he made out this list—he wrote this cheque of £140 to pay my debts—he said, "I am going to buy you a chain and watch and a pair of diamond earrings, and a marquise ring"—he said, "Give me those earrings as a pattern"—he pointed to the ones I have on now—I said, "No, I cannot give you these, they belonged to my mother who is dead"—he borrowed £2 from me—I told him it was given me by my husband—he did not say what he wanted the £2 for—I picked him out at the Police Court—the prisoner is the man.

Cross-examined—I only saw the man twice—I spoke two or three words with him in the street—I do not speak English very well—I did not speak any German to him—the second time I was with him for about thirty minutes—he said, "I do not speak anything else but English"—he had a single eyeglass hanging down, but he did not put it on—he had a brown suit on, a black overcoat with a velvet collar—I picked him out on the same day that the others did.

WALTER ELLIOTT MURPHY—I am a cashier at the Union of London and Smith's Bank, Charing Cross branch

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—we have no branch in Pall Mall—cheques like these have been presented at our bank for payment for nearly a year—they were always presented by women—about twenty or twenty-five have been presented—in none of them can we decipher the name of the drawer—if the signature is a name, no such person has an account with us—all the cheques were dishonoured—none of them were on proper cheque forms—some of them were drawn on Union Bank, St. James's Street—we have no branch there or at Knightsbridge—we have one in Sloane Place—I do not know the prisoner—none of the cheques have a stamp on.

WILFRED STAGG—I am a clerk in the inquiry office at the Hyde Park Hotel, Albert Gate—these letters are written on Hyde Park Hotel notepaper, which is left in the public room for the use of visitors—any one coming into the room can write a letter on that paper—I have not seen the prisoner at the hotel.

Cross-examined—There is an attendant whose duty it is to notice people coming in—I look after the visitors' mail and so on—if the prisoner came in I think I should notice him.

STEPHEN DE MARIA—I keep a restaurant at 35 Oxford Street, and have known the prisoner for two and half years as Adolf Michael Beck—he constantly came in as a customer and had his meals there—after I had known him about six months he asked me if I would allow his letters to my place—I said “Yes”—they came addressed to Adolf Beck, except on one occasion, when it was Michael Adolph Beck—he said he was engaged in the city as a commission agent—he had breakfast at my restaurant, and sometimes lunch, but not lately, and every evening he had dinner—for the first few months he paid every day, then he told me he was rather short, and I said, “I have no objection, you can go on and pay me whenever you can”—at present he owes me between £40 and £50—I remember some time before April the police coming and speaking to me at my Holborn shop—I saw the prisoner the same day—I did not then mention that the police had been to me—on 4th April when he came to my place about 8 a.m. he said that when he went to his hotel the night previous somebody told him that the police were after him, and that the proprietor would not allow him to sleep there any longer—he was then sleeping at the Percy Hotel, Percy Street—I said, “I do not think there is anything against you, because the police came to my place, and Inspector Ward said there was nothing

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against you"—I think the prisoner said, "I am not going to be looked upon as a dishonest man; I had better leave; I shall look out for a room and I shall leave"—he said he wanted to be free and easy, and did not want to be locked up—he said he moved to 7 or 9 South Crescent.

Cross-examined—He asked me who the police officer was, and I showed him Ward's card—he asked me to go to the station with him, which I did on Easter Monday—there were several constables there, but Ward was out, so I made an appointment to meet him at 2.30 that afternoon—I saw him about the prisoner's case—the prisoner was not there then, but he afterwards asked me, "Have you been up there?"—I said, "Yes"—he said, "What did he say?"—I said, "He had nothing against you, but only wanted to know where you lived"—when the prisoner moved to South Crescent I believe he left his address with me—I knew his address all the time he used my house—I was quite willing to give him credit—I am not complaining that he swindled me; he always paid me before—I remember Miss Scott coming to my restaurant one evening—the prisoner was there having some tea, I believe—he was there for about one and a half hours while she was there—I noticed that she was looking at the table where the prisoner and I were sitting—she was looking at him; there was nothing to prevent her seeing him—I believe that was on 21st March, but I am not sure.

Re-examined—On the first occasion I went with the prisoner to the police station at his suggestion—he waited outside because I asked him to—I went to see if there was anything against him.

WILLIAM GREEN—I am manager of the Central Hotel, Percy Street—I know the prisoner as Adolf Beck—he stayed at the hotel from 16th October to 30th October, 1902, from 14th to 17th November, 1902, from 28th December, 1902, to 20th January, 1903, and from 14th February, 1903, to 4th April, 1904, when he finally left—I understood him to be an agent—when he left he owed 30s.—he was requested to leave, although I did not give him notice myself—people had been inquiring for him.

Cross-examined—It was the police who had been there, and I did not like it. It was after he had stayed at the hotel from February, 1903, to April, 1904, that he owed 30s.—I am not making any complaint that he had swindled me.

JAMES WALTER PALMER—On 24th April I lived at 9



## Adolf Beck.

South Crescent—I remember the prisoner taking a room at 10s. a week—he said he had come from the north, that he had been living at a hotel, and wanted a cheaper place—he said he was a financial agent, and that his name was Adolf Beck—he stayed until he was arrested—his effects were taken charge of by the police.

Inspector WARD (re-examined)—On 24th March I received information of Miss Scott's complaint—I called upon her and took her statement—she gave me a description of the man she said had robbed her—I made inquiries and communicated with de Maria—I ascertained that the prisoner was living at 9 South Crescent—on 15th April I told Miss Scott to stand at the corner of Store Street, and if she saw anybody she knew, or the man who had stolen her jewellery, to speak to him—about 9.30 the prisoner came out and looked round at Miss Scott—they spoke for a few minutes—I went across the road, and she gave him into custody as the man who had stolen her jewellery—he said, "It is a mistake"—I said I was a police officer, and he would have to go with me to the police station—I conveyed him to the station, and when he was charged he said it was a trumped-up affair—he gave de Maria's address as his own—I told him it was false and that he was not living there—he said he was—I said he was not, and I directed the inspector who was taking the charge not to put it on the charge sheet—the prisoner said he was an agent and a Norwegian—after he was charged he asked to send a telegram, and in my presence he wrote these four telegrams and this envelope—I found 2s. 4d. in money on him and a number of articles, among them two pairs of eyeglasses—I made a list of the articles—I afterwards went to 9 South Crescent, and took possession of his effects—I made a list of the things; it contains pince-nez, keys, a box containing visiting cards, pawn tickets, hair dye, two pocket books, an overcoat, a wishing book, and some memoranda in this envelope—on the 23rd April I placed the prisoner with twelve other men at the Police Court; some were about his own age, some older, and some younger—I told him he was about to be put up for identification, and that he could stand where he liked, he chose his position, standing with his back to the window—he was going to take off his coat—I told him not to do so, as other people were wearing coats—he had on a greatcoat with a velvet collar—he was wearing glasses, and I told him to take them off, as other people were not wearing glasses—the witnesses came in separately, and each

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picked him out—in each case he said he did not know them—he was wearing a hard felt hat.

Cross-examined—The witnesses are wrong if they say the prisoner was wearing glasses when they identified him—I do not know that the man who committed the robbery did not wear glasses—I seized everything that I could find at the prisoner's lodgings—I found a light grey suit; there were eight or nine suits there—this is the overcoat he was wearing (produced)—there is no velvet collar on it; I am wrong about that—I am not wrong about his wearing glasses, because I told him to take them off—a woman was brought in to identify him for a different offence altogether; she did not do so—I did not find any pawn tickets relating to any of these articles, and I have not succeeded in tracing any of them—de Maria told me he took him food at his place—I did not know that de Maria knew where he lived.

THOMAS HENRY GURRIN—I am an expert in handwriting at Bath House, Holborn Viaduct—I have practised for about twenty years and have given evidence for the Treasury and others hundreds of times—I have seen the exhibits in this case—I have compared the list of dresses, cheques, and letters addressed to the witnesses, with the telegrams and envelopes proved to be in the prisoner's handwriting—to the best of my belief the writing on those exhibits is the studiously disguised writing of the same person who wrote the five proved exhibits—some of the disguised writing is written backwards, some of it straight, and most of it is distorted in such a way as to suggest that it is intentionally disguised—I see in it a number of peculiarities which I see in the proved writing—I should say the handwriting belongs to the Scandinavian group, Norwegian or Danish—I have occasion to study manuscripts of foreigners, and I have noticed the t's and f's of that writing—I have also compared the disguised writing with a pocket book found at the prisoners lodgings—almost all the writing in that book is the same as that which appears on the telegrams, and it is the same writing as the other exhibits, only they are disguised.

• Cross-examined—The pocket book supplied me with a great deal more material—the style of writing is foreign—I do not think there is any instance in the disguised writing where it is absolutely natural, except by inadvertence—I think it was all intended to be disguised—all the capital P's in the telegrams have the same peculiarity—the umbrella part goes through the main stroke—in the disguised writing

## Adolf Beck.

there are eight P's, and in most of them one sees the same peculiarity—there are many differences in the writing, but, to the best of my belief, they are not material.

Re-examined—The dissimilarities are not what I should expect to find in the writing of two different people.

The prisoner's statement before the magistrate, "Before God, my Maker, I am absolutely innocent of every charge brought against me. I have not spoken to or seen any of these women before they were set against me by the detectives. I can bring many witnesses to prove I have acted honestly in my business in the city from 10 a.m. to 6 p.m. I ask the press to help me to get all evidence in my support from my solicitor."

The prisoner in his defence on oath said he did not know any of the women; that he had never seen them; that on 22nd March he was in the city doing business with a Mr. Gajardo from 11 to 3, and stayed in the city till 6 p.m.; that he was in Mr. Williams', his solicitor, office in the afternoon; that he had dinner at de Maria's between six and seven; that on 23rd March he was in the city at lunch time; that on 28th March he was with Gajardo all day on business; that he remembered Miss Scott being in de Maria's restaurant on 30th March; that on 29th March he had lunch at a baker's shop in Old Broad Street; that the letters to the witnesses were not written by him; that he could not write without glasses, and then not more than two sentences in English without using a dictionary; that he carried two pairs of pince-nez, one for distance and one for reading; that he had been mistaken for a man named Smith, his double; that in March and April he had no brown suit, or a coat with a velvet collar; that he was receiving £3 or £4 a week from Mr. Williams; and that he received an option on some copper property of his own in Norway.

### EVIDENCE FOR THE DEFENCE.

MATTHEW EDWARD WILLIAMS—I am a solicitor of Broad Street Place, Finsbury Circus—I have known the prisoner for fifteen years—I have taken up his defence during the last week only—I know his writing—I have received a number of letters from him—in the course of my profession I deal with handwriting—I have seen the letters written by the thief—I say most decidedly they are not written by the prisoner—I do not trace the slightest resemblance—the characteristics of the two writings are entirely distinct in my opinion—during March and April I made the prisoner an allowance—I was engaged in the sale of property for

## Report of Beck Trial in 1904.

him—I have the contract here—I made him an allowance because of that property, and because I had known him a long time and had a respect for him—I should think I have given him £200, on an average of £2 a week—there were no regular payments—I was prepared to lend him anything within reason—I have never seen him without eyeglasses, except to wipe his eyes—I imagine that he cannot write without them—I have never seen him write, except to copy letters written by my clerk.

Cross-examined—I made him an allowance because I believed he wanted money, and because I believed that it would be repaid—I do not do that for anybody who asks it—the prisoner was introduced to me by some clients—his property is a series of mines, described in this agreement of sale—I have not seen him, but I have corresponded with our agent in Christiania concerning them, and he has seen the title—I have a list of my payments—I have no receipts except the cheques—towards the end of last year I received about £200 from the prisoner, which was part of £500 paid on his property—I did not know that I should be called as a witness until ten minutes ago—I was rather anxious to be called in the prisoner's interests—I had a good deal of experience in handwriting in my early days—I was never employed in comparing handwriting—Mr. Gurrin's business is to compare handwriting hypercritically; mine is to get a general contour of the whole thing.

By the Court—I knew of this case some weeks ago, but not professionally—it was after Mr. Freke Palmer was not able to continue it that I took it up.

GUNTER—The accused then pleaded guilty to a conviction of obtaining goods by false pretences at this Court on 24th February, 1896. Judgment respited.

## APPENDIX IX.

REPORT of the case of WILLIAM THOMAS, *alias* JOHN SMITH, contained in the *Times* newspaper, of 16th Sept., 1904.

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CENTRAL CRIMINAL COURT, 15th September, 1904.

Before Mr. JUSTICE PHILLIMORE.

William Thomas, 65, journalist, who pleaded "Guilty" yesterday to indictments charging him with stealing rings, the property of Nellie O'Neill, Violet Turner, and Beulah Turner, and an umbrella, the property of Nellie O'Neill, and to converting the rings to his own use and benefit, was brought up for judgment.

The prisoner also pleaded "Guilty" yesterday to a previous conviction in May, 1877, in the name of John Smith.

Mr. CHARLES MATHEWS and Mr. ARTHUR GILL appeared for the prosecution on behalf of the Director of Public Prosecutions.

Mr. MATHEWS said that in this case he appeared with Mr. Arthur Gill for the prosecution, instructed by the Director of Public Prosecutions. He did not suppose that it would be necessary for him to recapitulate to his lordship the facts of the case, which appeared sufficiently clear from the depositions to which his lordship's attention had, he doubted not, been directed. Stated quite shortly, the charges against the prisoner were that he, at different dates between 25th March and 7th July in this year, succeeded in stealing four rings and one umbrella from three women named Nellie O'Neill, Violet Turner, and Beulah Turner, and attempted to obtain two rings from two women named Evelyn Edwards and Emily Forwerk. In the indictment for misdemeanour the same acts were differently charged, except that the two attempts to steal were added to it. The prisoner's plan of operations was uniform and somewhat peculiar, in that in all the cases he would seem to have posed as a man of considerable wealth and to have expressed himself as desirous of taking either into his employment or taking to live with him the woman to whom he was at the moment speaking. That statement was followed by a suggestion from him that the woman, for the purpose of her new position, would require an expensive wardrobe. He would



**William Augustus Wyatt, alias William Thomas.**

*(From a Police Photograph, 1904.)*



**The same shown wearing hat.**



## Report of Thomas Trial in 1904.

thereupon proceed to make out a list of clothing which she would require, and would either dictate or himself write out a list of high-class tradesmen with whom he represented that he had credit, and where the articles could be purchased. That was followed by a statement from him that the woman might be in need of some ready money, whereupon he would sit down and upon a blank sheet of paper proceed to draw what he said was a cheque. The cheques which he drew were for the most part on the Union Bank, and nearly always on the Pall Mall branch, that branch being selected probably because no such branch was in existence. The cheque he would leave with the woman, with instructions that she should cash it; and then there would arise a question of suitable jewellery. He said the woman would require for the purposes of her new position more expensive jewellery; and, the subject being brought out in that way, it was almost invariably concluded by her giving him a ring as a measurement of her finger for a ring or rings which he undertook to purchase for her. The prisoner would then almost invariably say that his valet had been careless in allowing him to come out without any ready money, and he would request the woman to make him a small loan. Having obtained the loan, he went on his way. Apparently, in Miss O'Neill's case he was not too proud to take a silver-handled umbrella which lay to his hand in the passage, and which was found in his possession at the time of his arrest. That was a short statement of the kind of confidence trick which the prisoner confessed that he had practised upon the different occasions upon the different women between 25th March and 7th July in this year. There was attached to the different indictments to which the prisoner had pleaded guilty a count which set out a previous conviction, and to that previous conviction also the prisoner had pleaded guilty. The previous conviction was one which took place in that Court on 10th May, 1877, at the Sessions which began on 7th May, 1877. It would seem that on that occasion certainly two indictments were tried before the Common Serjeant, the late Sir Thomas Chambers. The fraud charged was identical in almost all its particulars with that to which the prisoner had pleaded guilty to having committed in this year, 1904. On that occasion the prisoner was sentenced to five years' penal servitude. He (Mr. Mathews) thought it necessary, having regard to the peculiar circumstances of the case, to make to his lordship some statement as to the prisoner's history, as far as the prosecution had been able to obtain it. Many of the facts about to be stated were taken from two confessions made by the prisoner and dated respectively 23rd July and 29th July in this year. He thought, however, that it would be quite



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obvious to his lordship that those so-called confessions were by no means complete, and that in many important particulars they were by no means accurate. Before 1876 they had only himself to rely upon. They knew nothing of him up to that date but what he told them himself. According to the statement he first made his correct name was William Augustus Wyatt: he was born in Lincolnshire in 1839, and was taken to Russia by his parents, studied at the University of Vienna, where he obtained the degrees of M.D. and M.C., and he volunteered as a surgeon in the Austro-Prussian War. Inquiries had been made of the Austrian police, which, however, failed to verify or to refute that statement. The prisoner went on to say that he studied leprosy in the Sandwich Islands under Father Damien; that he was surgeon-general to the King of Hawaii, and owned a coffee plantation at Honolulu; that he was afterwards surgeon to the Turkish troops before Plevna; and that he subsequently went to America and practised there as an oculist. The evidence on the depositions would show that in the year 1876 the prisoner went to lodge at the house of a Mr. Ruff, a watchmaker in Barnsbury Street, Islington. The prisoner was a lodger there in the name of William Weiss, and he described himself as a pensioner from the Austrian army. He had no occupation at that time, but always dressed well and seemed to be well supplied with money. In April, 1877, the prisoner was arrested and charged with the different frauds for which he was convicted at that Court on 10th May, 1877. At the time of his arrest he gave his name as John Smith; and in that name he was tried, convicted, and served his sentence. He was released from prison on 14th April, 1881. If his lordship would turn to the first confession made by the prisoner on 23rd July, 1904, he would see how the prisoner, giving an account of his movements after his release, stated that he was not in England from the date of his release in 1881 until he returned to this country in August, 1903—a period which he himself computed at twenty-three years, which was not quite accurate. That was not a correct statement, as appeared from a statement made by the prisoner on 29th July last to Inspector Kane, who had taken a great interest in the case and had done invaluable service to the cause of justice by means of the inquiries which he had made so diligently and with so much intelligence and insistence. Inspector Kane had discovered more than one witness who had been able to give him information as to the actual whereabouts of the prisoner during a portion of the time, which had satisfied him (Inspector Kane) that the statement the prisoner made that he was absent from England twenty-two or twenty-three years was not accurate. The prisoner was released from

## Report of Thomas Trial in 1904.

prison on 14th April, 1881, and in 1882 and 1883 he was seen by Mr. Ruff in London. In 1884 the prisoner went to Adelaide, South Australia, and became known to a Mr. Day, a witness. Mr. Day spoke of the prisoner as passing under the name of Augustus Wilhelm Meyer and practising as a doctor in Adelaide, having a lucrative practice and living in a luxurious style. The prisoner lived in Adelaide until 1890, when he left for Europe to study, as he said, the Koch treatment in Berlin. They got it from the prisoner's own statement which he made on 29th July last that he was in London in 1891, and again in 1894. It was quite certain that in 1894 the prisoner was in London, because in April of that year he was arrested and charged at Bow Street with a fraud perfectly distinct in its character from any of these—a fraud upon a Mr. Margossian. On 23rd April he was discharged at Bow Street on the ground that there was no available evidence in this country which would support the charge. The prisoner said that when he was discharged in April, 1894, he went to America. That statement had been made the subject of inquiry, and the result of the inquiry and of affirmative testimony was to show that the prisoner—whatever became of him after his discharge from custody in April, 1894—was in London in the early months of 1896. That was shown by the evidence of two witnesses—Mr. Nelkin and Mr. Hatterick—which his lordship would find among the additional evidence served on the prisoner. Mr. Nelkin said he knew the prisoner and saw him in London in February, 1896, and became on friendly terms with him, which friendly terms continued between February and the month of June or July, 1896. Mr. Hatterick vouched that he knew the prisoner in 1896 and helped him to establish a jewellery business in Rosebery Avenue. The prisoner conducted that business until August, 1897, when he somewhat suddenly disappeared. At that time the prisoner went by the name of Dr. Marsh.

Mr. JUSTICE PHILLIMORE observed that the prisoner said that his real name was Meyer and that he was an English Jew.

\* Mr. MATHEWS said that the name which the prisoner employed in the jewellery business was stated to have been Markham. The prisoner was in London in February, 1896, and remained in London until August, 1897. Those dates were material, because of something which happened in London between December, 1894, and March, 1896. From December, 1894, down to November, 1895, a series of frauds

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similar in all their details to those of which the prisoner had confessed himself the author was practised upon a large number of women. In December, 1895, one, Adolf Beck, was arrested and charged with the commission of one of those frauds; and the detention of Adolf Beck in custody brought forward a number of women, eleven in all, who identified Mr. Beck as the person who had defrauded them by those identical pretences of which the prisoner Thomas stood before the Court as the confessed author in 1877 and now. Mr. Beck was tried in that Court on 3rd, 4th, and 5th March, 1896, a time during which it would seem that the prisoner was still in London. As he (Mr. Mathews) had said, no fewer than eleven women identified Mr. Beck as having been the person who defrauded them, and he was convicted and sentenced to seven years' penal servitude. A considerable interval between August, 1897, and August, 1903, occurred, when they had no information with regard to the prisoner Thomas. They had no information which could establish with any certainty that he was either in England or in London between August, 1897, and August, 1903. But in August, 1903, he went to lodge at the house of a Mr. Burr, at Highbury. Inspector Kane found at those lodgings of the prisoner documents showing that some time between 1897 and 1903 the prisoner was in America in the name of Dr. W. A. Wyatt. Inspector Kane found visiting cards at the prisoner's lodgings with the name "Dr. W. A. Wyatt, M.D., M.C.," and a bank-book showing that he had been resident in Denver, in the United States, and had a banking account with the Colorado Bank there. The fact that in August, 1903, the prisoner went to lodge at Mr. Burr's house was clearly established by Mr. Burr himself. It was a fact, therefore, that in August, 1903, and in the beginning of 1904 the prisoner was resident in London. In August, 1903, one Rose Reece spoke to having been victimised by the methods with which they were now so familiar; and that course of victimising women would seem, in all important particulars, to have been continued by some one in February and March, 1904. In the month of April, 1904, Mr. Adolf Beck, who, having served his sentence, was at liberty and in London, was again arrested, and he was identified by no fewer than five women. Upon the testimony of those women he was committed to take his trial at that Court, and was tried at that Court on 27th June, 1904, and again convicted. But he was not sentenced. The learned judge who tried him respited sentence until the next sessions, which began somewhere about 20th July. Sentence was, in fact, never passed upon Mr. Beck, owing to the facts which he (Mr. Mathews) was about to relate. Mr. Beck being in prison on 7th July

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awaiting sentence, the prisoner, Thomas, on that day paid a visit to the two women, Violet and Beulah Turner, and obtained two rings from them upon the old pretences, and left with them a letter and a list of clothes which they would require for their new position. Those documents, of course, were of vital consequence to the investigation which followed, and which began on the night of 7th July. On that day the prisoner Thomas was arrested on the charge of stealing the rings from Violet and Beulah Turner; Inspector Kane was at the police station when the prisoner was brought there, and he divined that he was the man who was convicted in May, 1877. Inspector Kane was correct in his conjecture; and he made diligent inquiries, and quickly brought the result of them to the notice of the Director of Public Prosecutions and the Home Office. So searching and successful was the investigation that on 19th July—twelve days after the prisoner had been seen in custody at the police station—an order for the release of Mr. Adolf Beck was obtained from Mr. Justice Phillimore. With all due speed, therefore, the authorities acted when once the idea of a possible mistake was made plain to them. Mr. Beck having been released on 19th July, on 29th July he received the King's pardon in regard to the two convictions—that which took place on 5th March, 1896, and that which took place on 27th June, 1904. In the evidence given against Mr. Beck in March, 1904, one of the women spoke to the month of August, 1903, as that in which she was defrauded, and the other woman spoke to the months of February and March in this year as the months in which they were victimised. Pauline Scott said that it was on 22nd March, 1904, that she was victimised by means of the fraud, all the features of which they were now so completely familiar with. Turning to the evidence in this case of the prisoner Thomas, it would be seen that it was on 25th March in this year that the first witness in the case, Nellie O'Neill, was visited and defrauded by the prisoner. Of the five women who spoke with positiveness to the identity of Mr. Beck, three of them had since seen the prisoner Thomas, and had found that they were mistaken in their identification of Mr. Beck. When they placed all the facts, dates, and circumstances, and the admitted wrongful identification, together he (Mr. Mathews) ventured to think that there could be no doubt at all that the conviction of 1904 was a mistaken conviction of Mr. Adolf Beck. As to the circumstances attending the conviction of Mr. Beck in 1896, the materials hitherto collected did not allow of so confident an expression of opinion, as they were not of the same strength when placed together as the proved facts in relation to the conviction of 1904; but, with the light now thrown upon the whole

## Adolf Beck.

case, the prosecution desired to express their opinion upon the materials which existed that the conviction of Mr. Beck in 1896 was wrongful. From 16th December, 1895, when he was first arrested, down to 27th June, 1904, when he was last convicted, Mr. Beck had most strenuously denied the accusations, and even, when on 27th June, 1904, his previous conviction of March, 1896, was put to him, compelled as he was to admit the fact of that previous conviction, he most strongly asserted that it was a wrongful conviction. He (Mr. Mathews) made that statement with the greatest possible pleasure, because Mr. Beck felt somewhat sore that in the Sessions Paper containing the official record of the second trial there was not, as in the ordinary course there would not be, any reference to his denial. He (Mr. Mathews) had purposely taken advantage of the opportunity now offered to make such a statement as he considered due to Mr. Beck; but, of course, he had no desire that any punishment should be passed upon the prisoner Thomas upon the assumption that he was the author of the crimes of 1896 or 1904 for which Mr. Beck had been convicted. As he had stated, no proof was forthcoming to show that Thomas was the author of those crimes, although the investigation, as far as it had gone, showed that it was possible that he could have been the author of the crimes of 1896, and that it was likely that he was the author of the crimes of 1904. Into the circumstances attending the two convictions of Mr. Beck the Government had ordered an inquiry, and until that was concluded no final pronouncement could be made on a matter which had attracted universal public interest.

In reply to the Clerk of Arraignment, who asked him if he had anything to say, the prisoner replied, "I am exceedingly sorry."

Mr. JUSTICE PHILLIMORE, addressing the prisoner, said—William Thomas, you have pleaded "Guilty" to three charges of larceny of a very mean and despicable character from three women, and to attempts of the same description which did not fail by reason of any repentance on your part. You have also pleaded "Guilty" to having been convicted of similar crime on or about 10th May, 1877, on which count the judge who presided at your trial awarded you a sentence of five years' penal servitude. It is suggested on behalf of the Crown that we have by no means got to the bottom of your offences when I state what I have stated. It is suggested that it is at least probable that you were the author of eleven offences which were committed from December, 1894, to November, 1895, for which one Adolf Beck was tried, convicted, and sentenced, it is now thought unjustly; and certainly if you were the

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author of those offences it is certain that he was unjustly convicted. It is suggested, further, that you were the author of five offences in August, 1903, and February and March of this year, for which Adolf Beck was again tried, before Mr. Justice Grantham, in June of this year, and was again convicted; but fortunately, owing to the care which my brother took before passing sentence, no sentence was passed. If you were the author of either or both these sets of crimes you are very bad indeed, and you have added to your offences by allowing an innocent man to suffer in your stead. I cannot help thinking that, at any rate as regards the later series of offences, they very closely correspond with the time when you were in London. I cannot help thinking that you are the real person who was guilty of those offences. There is no reason particularly that I see for supposing that you were the author of the earlier series of offences except that you were in London and that you in your first confession concealed the fact that you were in London at that time—and one would hope that there were not two people living at the same time who were guilty of this particular mean and, I am glad to say, novel form of fraud. I say there is no reason otherwise to say that you are the man; but with regard to both of the sets of offences for which Adolf Beck was tried, I do not propose for one moment to consider that it is sufficiently proved before me that you were guilty of them to make me add one day to the sentence which I should otherwise have passed upon you. It would not be proper that I should, without full inquiry and full proof. I have only allowed counsel for the Crown to make the statement which he has made because it was in the nature of a justification of the character of Adolf Beck, not because it was to injure you, but because it was a convenient moment for making a clear statement with regard to a man whom the Crown believe to have been unjustly convicted. That being the case, I treat you merely as I should any one else who, many, many years ago, was convicted of this mean form of crime and who had a very severe sentence, which ought to have been a lesson to him, but who was found in his old age returning to his old wicked practices. The sentence upon you is the same as the previous one—that you be kept in penal servitude for five years.

## Adolf Beck.

DEPOSITIONS taken before Sir ALBERT DE RUTZEN at Bow Street Police Court on 8th, 23rd, and 29th July, and 2nd August, 1904.

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VIOLET TURNER, on oath, saith :—

I am single. I am an actress, last engaged six weeks ago. I live at 2 Torrington Street, Russell Square. Yesterday, 7th July, at 12.30 p.m., I was at home and prisoner called at my house, and was shown up to me. He was a stranger to me. He said he thought he had met me before. I said, "Very likely you have." He said he thought it was in Oxford Street. My sister was present. Prisoner said he would like to take us both away yachting. I said I should like to go, but not so soon. He asked me, "Why have you not so many rings on your finger as your sister?" I said I did not like jewellery so much. He said, "I will get you a nice ring if you will give me the measurements." He took the measurements of my finger and of my sister's.

Then we took him down to the drawing-room, and he took a pen and paper, and began to write down what he was going to get me, a list of things and what money they would cost for both of us. It came to £400. He took the paper to put in the same envelope as the cardboard measurement for the rings. Then he said, "I don't like to go into a jeweller's shop with a piece of cardboard. Have not you a common ring you could let me have?" I said I would look for one. I could not find it. So I gave him this ring from my finger.

Afterwards he asked my sister to give him a ring as a measurement for her finger, and he asked her to lend him her bangles that he might get some gold coins put on. She did not lend him the bangle; she said it was too common, but she lent him this other ring (produced). Then he left us, at about half-past one, and I became suspicious and spoke to my landlord. He was away about an hour, and then came back with prisoner and a policeman.

I charged prisoner, and he was taken to the station. The value of my ring is 15s.

Recalled—My evidence of the 8th inst. now read over is correct.

When I saw the prisoner at my house I did not recognise him as a man I had ever met before. He said he was staying in Hyde Park Hotel, and had plenty of dogs and houses and large gardens. He said he could get thousands of pounds from his bankers.

I have heard my sister's evidence that prisoner said he

## Deposition of Violet Turner.

would send some money round. He said he would send it by his valet. Prisoner did not give his name. I asked him whether I could write to him. He said, "You have my address, but you don't know my name."

Besides the yachting trip and the dresses, prisoner said that after we came back from yachting he would give me a house and a saddle-horse. Before leaving the house he said, "I haven't any change, will you give the servant a half-crown?" That request made me suspicious. When he left the house I spoke to the landlord, Mr. Glenville. About an hour or an hour and a half later the prisoner came back with Mr. Glenville and a constable. Then he was charged.

(Signed) VIOLET TURNER.

BEULAH TURNER, on oath, saith:—

I am single. I am a professional, theatrical line, and live with my sister, the last witness.

I received this letter in the morning, and during the morning the prisoner called. I said I did not think I knew him. He said, "I don't think it's you I met; it's your sister. Is she a little bit taller?" I said, "Yes," and I called her up. Then he wanted to take my sister away on a yachting expedition. I said if he wanted to take one he would have to take both. He said he didn't mind that if we would not be jealous.

Then he drew up a list of things he said he would buy us. I gave him a piece of paper with a measure for a ring he said he would buy, and he said—"That looks funny to take to a jeweller's; can't you give me the ring?" So I gave him this ring now before me, worth £1. My sister gave him this other ring. Then he went out, and we sent the landlord out, and he came back with prisoner and a policeman. Prisoner said nothing. He was given into custody. He was quite sober.

Recalled—My evidence of the 8th inst., now read over, is correct. Produced, exhibit 1 is the letter referred to in that evidence.

The two rings are now shown to me.

Recalled—I look at the letter, exhibit 1. It is addressed to me, and I opened it. I was not able to make out the signature, only the first two letters, which look like "Li." When the prisoner called and was shown up to my room I did not recognise him as a person I had met before, and apparently he did not recognise me.

He spoke about the letter a little time after he came. He said, "Have you got my letter?" I said, "Yes," and showed him the letter, exhibit 1. He agreed to take us both on the yachting tour. He mentioned a date when we were to start; I think he said about a fortnight from that date,



## Adolf Beck.

but I forget. He said he should want "evening dresses and yachting dresses and everything." He told us that we were to get those things, and he said he would send us the money at three o'clock by his valet. He said he was going to send about £200 altogether, I think. He asked whether we preferred a cheque or bank notes. I said it did not matter which, as they could both be easily changed.

He told us he was going to get us marquise rings. We did not ask when we were going to get the rings. I gave him a ring in order that he might know the size of my finger. I was wearing a gold-cased bangle at the time. Prisoner asked if I would like any things put on it. I said, "No, it isn't worth it." I did not take it off, and prisoner did not examine it. Prisoner did not give his name. I said something about writing to him; he said, "Oh, but you haven't got my name."

When he was brought back to the house by the policeman, the policeman asked if I knew "this gentleman." I said, "Yes, by coming here this morning." The policeman showed me the two rings and asked me if they belonged to me. I said, "One belongs to my sister and one to me." The policeman said, "Did you give these rings to the gentleman with the intention of pawning them?" I said, "No."

The prisoner made no statement when he was brought back that I know of, only when the policeman asked if I knew him, prisoner nodded his head to me. (Signed) BEULAH TURNER.

FRANK WOODLAND, P.C. 578 Y, on oath, saith:—

At 1.45 p.m., 7th July, I was called to 128 Grosvenor Street, Euston Road, a pawnbroker's shop, by Mr. Lawley, pawnbroker. I found prisoner there and a Mr. Glenville, the landlord of the two witnesses, Misses Turner, and there were these two rings there. Glenville said that the two rings belonged to the Misses Turner, Torrington Street.

The pawnbroker said prisoner had brought them in and wanted to pawn them and handed me a ticket and the two rings. Prisoner said nothing.

I took them to 2 Torrington Street and saw both ladies separately, in prisoner's presence; each said the rings had been obtained for the purpose of taking the girls in the country, and that he had promised to get new rings for the girls at a jeweller's.

Prisoner gave the name William Thomas, and refused to give any address. Beyond that he said nothing.

Recalled—My evidence of the 8th inst., now read over, is correct. When prisoner was arrested he gave the age of 65, and said he was a journalist. I searched him at the

## Deposition of Frank Woodland.

station and found on him a watch and a small sum in money. I found no papers at all on him. There was nothing that would give any clue to his address. He was carrying the silver-handled umbrella produced in his hand. He was wearing white spats on his feet. He had a single eyeglass hanging down in front of him.

He was remanded for a week at this Court. On the remand day he was not wearing the spats. They were in his pocket.

FRANK WOODLAND.

NELLIE O'NEILL, on oath, saith:—

I live at 104 Whitfield Street, Tottenham Court Road. I am single. I remember the evening of Thursday, 24th March last. I was walking in Haymarket on that evening, and the prisoner spoke to me. He asked me to give him my card, and said he would call and see me next day. I gave him my address, and he wrote it down. He said he was stopping at the Berkeley Hotel, Piccadilly. He said that I should have a letter from him by the next morning's post.

I received a letter next morning. I have destroyed it. It was on a correspondence card with "Berkeley Hotel, Piccadilly" printed on it. The signature was something like that on exhibit 1. The writing was like the writing on exhibit 1. I was unable to make out the signature. The letter said:—

"Miss O'Neill, I shall be round to see you at one o'clock to-day.  
"Yours truly."

followed by a scrawl, which I could not make out, as signature.

The prisoner called upon me about one o'clock on Friday, 25th March. He was shown up into my room. He said he wanted to know if I would go and live with him at a house in St. John's Wood—his house. He told me he had had that house for eighteen years. He said he had another house in Belgrave Square. He said he had four servants in St. John's Wood, and that the house in Belgrave Square was shut up. I said "Yes" to his proposal.

Prisoner said he was a member of the House of Lords. He said I should want everything a lady would want, and asked for some foolscap paper to write down what I should want. I provided him with writing materials, and he wrote down a list of dresses, tailor-made dresses, boots, shoes, and hats that I should want. He put prices to these things, amounting to £93. He gave me that list. I was to go to shops in Bond Street. He mentioned the name of Madame Hayward's for underwear. Prisoner said he would want me to be ready to join him in a week. He left the list with me. I have destroyed

## Adolf Beck.

it. It was very much like the list now shown to me, exhibit 2. The prices were almost the same.

Prisoner said he would write me out a cheque for £100 to pay for the things. He wrote out such a document on the "Union Bank, St. James's Street." I kept the cheque a little while and then destroyed it. He sealed the cheque up in an envelope and told me to give it to the cashier.

Prisoner then said he would send me up some rings from Asprey's in Bond Street. He said he would send me three or four diamond rings—including a half-hoop ring and a marquise ring—and a gold ring. He said the commissionaire from Asprey's would bring the rings to me about six o'clock that evening. He said he would want one of my rings to know the size, and asked if I had any rings. I said I would let him have two. I handed him two rings—one a thin gold band with a dark blue stone in it, and the other a little gold band with a tiny American coin attached to it. They were worth about 10s. each. Prisoner said he would let me have those rings back at the same time as the others came up. Up to this time prisoner had not given me any name. I asked him if I could write to him. He said, "No, but he would come and see me on the following Sunday." I was to get my dresses, &c., the next day. Prisoner said he would be going yachting in about a fortnight and would take me with him.

He was with me altogether from about one o'clock till half-past three. As he was leaving he said his valet had forgotten to put his money in his pocket, and asked me if I would let him have some silver. I gave him 5s. Then he went away.

While this conversation was going on, I had a silver-mounted umbrella standing in a corner. It is produced. Prisoner had a very old umbrella when he came. Before he left he asked me to get something. I left the room for about five minutes. Prisoner was wearing an overcoat.

I waited in that evening till about eight o'clock. No rings came. No one came. I went to the Berkeley Hotel and made some inquiries. I took my letter card with me. I could find out nothing there about the writer of the letter card. That night I tried to find the Union Bank in St. James's Street. I could not find any Union Bank there. There is a bank in St. James's Street—Lloyd's Bank.

Upon returning home I missed the umbrella (produced). It is worth about 38s. In the hallstand I found the umbrella which prisoner had with him when he came to the house. That was all broken. I kept it for some time, and then threw it away.

Some little time ago I saw an account in a newspaper of a

## Deposition of Nellie O'Neill.

man who was in custody at this Court, and I came here to make inquiries. The police took me to Tottenham Court Road police station. My statement was taken down, and I was then shown my umbrella, and I identified it.

On Saturday last at this Court I was shown about ten men, and I picked out the prisoner as being the man that robbed me.

NELLIE O'NEILL.

EVELYN MIRIAM EDWARDS says:—

I am a waitress and live at 24 St. Margaret's Mansions, Lillie Road, Fulham.

In the first week in April last I was walking in Holborn one afternoon with a female friend. The prisoner spoke to me there. He asked me for my address. I wrote my address on a piece of paper and gave it to him. Prisoner said nothing about his card or his name. He said he was in a hurry as he was dining at the Hyde Park Hotel with some friends. He said he would write me and call the following afternoon between one and two o'clock.

On the following morning I received a letter through the post. I produce a portion of the letter—exhibit 3—I have destroyed the letter all but that piece, which is on the printed notepaper of the Hyde Park Hotel. The letter made an appointment to call upon me between one and two. It was signed, but I could not read the signature.

Between 1 and 2 p.m. the prisoner called at my lodgings (I was then living in Clerkenwell). I saw him in my flat. My female friend was with me at the time. When prisoner came into the room he said, "Oh, what a place." I said, "We have to live according to our income." Prisoner then asked for some writing paper and an envelope. My friend left the room to get those things. When she was gone prisoner said, would I like to go and live with him at a house in St. John's Wood. He said he had had a lady there and she had gone off with £2000 worth of jewellery and some large sum of money. I forget the exact amount.

He said he had got a housekeeper who had been there seventeen years. I was to go there and live with him. As I was hard up at the time I said "Yes." By this time my friend had returned with the writing materials, and prisoner said, "Sit down, you must have clothes to come there with, and I will write you out a list of things you are to get." He then wrote out the list produced—exhibit 2—the total of the values put on that list comes to £100.

Prisoner said I was to get the costumes at Redfern's in Bond Street, and he said "I will give you a £100 cheque;

## Adolf Beck.

take it to the Union Bank in Pall Mall to-morrow morning." He wrote out a cheque on that bank on a plain piece of paper. He put it in an envelope addressed to the head cashier. I said to prisoner, "Is this all right?" Prisoner said, "Yes, you ask for the head cashier and give it to him, and ask no questions; you'll have no question asked you." He then asked me if I had any jewellery. I said, "I haven't anything, money or jewellery." He said, "Haven't you a watch and chain, bracelet, or anything, or a ring?" My friend said, "She has not anything at all." Prisoner said he must get me some, and said, "Hasn't your friend a ring to lend you?" He wanted a ring for the size of my finger. My friend took off her wedding ring (a 9-carat one); I tried it on, but it would not fit.

Prisoner looked at her ring and gave it back to her without saying anything. I then said, "I've got a brass wedding ring," and I showed it to him. He said, "Oh, rubbish. I couldn't take that into a jeweller's shop." Prisoner said he would find out and send me a ring on. He asked me what stones I should like. I said, "Diamonds." Prisoner said I was to wait until five o'clock and he would send me some rings by special messenger. He did not say how many he would send. He was also to present me with some fruit.

Before he left my room he took a cigar case from his pocket. It looked like gold. There was nothing in it. After that he took out a cigarette case, which also appeared to be gold. It was like the one shown to me. It was also empty. Prisoner said, "I shall have to go home and sack my valet; he never thinks of putting anything in my pockets. He said nothing about money, and I said nothing to him about money."

Prisoner said he would write and let me know what day I was to go to St. John's Wood. I was to get the things in the meantime. Prisoner left then. I stayed in that evening. Nothing came.

On the following morning I went with my friend and tried to find the Union Bank in Pall Mall. We inquired for it. We could not find it. At the corner of Cockspur Street I found a Union and Smith's Bank. I presented the letter containing the cheque to the cashier. I got no money for it. The cashier told me something, and I came away with the cheque. Afterwards I threw the cheque out and the envelope into the fire.

In July last I saw something in the newspaper, and in consequence I wrote to Inspector Kane. Afterwards I came to this Court and was shown a number of men standing together. I picked out the prisoner. I am sure he is the same man.

(Signed) EVELYN MIRIAM EDWARDS.

# Depositions of Glenville and Burr.

FRITZ GLENVILLE says—

My address is 2 Torrington Street, Russell Square. I am a dentist. The Misses Turner occupy rooms in my house.

On Thursday, 7th July, I saw the prisoner at the corner leaving the house. The Misses Turner both spoke to me, and in consequence I followed the prisoner. He passed through Russell Square and into Bedford Place. In Bedford Place he tore up some paper and threw it away. I picked it up afterwards. I followed him to Seymour Street—a jeweller's shop. He went into the shop. I went in too. When I got into the shop the man in the shop was looking at two rings. Prisoner asked "How much is it worth?" The jeweller said, "13s."

Prisoner picked up the rings and went out. I followed him to a pawnbroker's shop—Mr. Seymour's. Prisoner went in at one door and I went in at the other. I spoke to the assistant and then a policeman was fetched. When the policeman came I said to him, "This is the man that pawned those two rings, and they belong to a lady." Prisoner said nothing in the shop.

Afterwards I went back to my house with prisoner and the policeman. On the way the prisoner said in German, "Will you ask the girls to forgive me. I am German, and you can do it, for you are German too." I said, "I am not German."  
(Signed) FRITZ GLENVILLE.

ALFRED BURR says—

I live at 3 Horsell Road, Highbury, and am employed in the Post Office. I know the prisoner by the name of "Dr. W. A. Wyatt." He has been residing with me since 20th August, 1903. He had a first floor back room, furnished, at a rental of 5s. 6d. a week. He said he had practised in London at first, but had gone to Adelaide, Australia, afterwards. He said he had come back to London for the purpose of fighting an important case in the Privy Council. He had no visitors whatever, and no letters.

At first the rent was paid regularly every week. After about 24th December he did not pay until the end of March. At the March quarter he was £5 in arrear. I pressed for payment, and he promised to pay. On the 7th April he paid £3, leaving a balance of £2, which he promised to pay in a day or two. He paid the balance on 9th April, but afterwards got in arrear again. At the end of June quarter he was owing about £4. I was leaving town for my holiday on the 6th June, and while I was away I received the letter produced—exhibit 4—in his handwriting. In it he promises to pay the rent.

On the 5th July prisoner paid me £2, leaving £2 odd due. I last saw him at the house on that day. I have seen the

## Adolf Beck.

silver-handled umbrella produced in his possession. I first saw that at the end of March. Prisoner was missing from my house from the 7th July.

Afterwards I saw something in the newspapers and communicated with Inspector Kane. Afterwards Mr. Kane came to my house and searched the prisoner's room, and took possession of certain things.

(Signed) ALFRED BURR.

JOHN KANE says—

I am an inspector of the Criminal Investigation Department attached to the "D" Division.

In 1896 and 1904 I was present at the Central Criminal Court at the trial of a man named Adolf Beck.

On the night of 7th July last I visited the Tottenham Court Road police station about a quarter past eleven. I heard the charge which had been made against the prisoner, and I then went into the cell and saw him. I learnt that he had refused to give any account of himself.

On the following day he was brought up at this Court and remanded for a week. I procured the publication of the paragraphs about his case in the newspapers, and as a result the last witness—Mr. Burr—came forward. I made a search at the prisoner's room at Horsell Road on the 18th July. I saw some travelling trunks and a quantity of clothing there. I found some blank notepaper—six sheets and seven envelopes to match. I produce them—exhibit 5. They are printed notepaper of the Hyde Park Hotel. I produce a list of eight pawn tickets which I found there—exhibit 6. I found a sheet of notepaper with something written on it—exhibit 7. It was in the envelope produced—exhibit 7a. I found the counterpart of a first-class ticket issued in Durban in the name of W. Wyatt for a passage in the steamship "Briton," of the Union Castle Mail Steamship Company (produced)—exhibit 8.

I also found a passengers' list including the name of Dr. W. A. Wyatt—exhibit 9 (produced); also 38 paid cheques in prisoner's handwriting on the account of W. A. Wyatt with the Colorado National Bank, Denver (produced)—exhibit 10; also a passbook and two other books relating to the same account (produced)—exhibit 11; also a number of letters and papers and bills. They run in date from October, 1900, to May, 1903, and are dated from Denver, New York, and South and East Africa (produced)—exhibit 12.

I also found a catalogue of surgical instruments (produced)—exhibit 13—a religious book called "Gems from the Talmud" (produced)—exhibit 14; also some visiting

## Deposition of John Kane.

cards in the name of "Dr. W. A. Wyatt, M.D., M.C.," with no address. I produce one of them—exhibit 15. I also found the yellow metal cigarette case (produced) and two imitation pearl pins (produced).

On the morning of 15th July I took from the prisoner the watch and chain (produced). I asked him how long he had it and where he bought it. He said he had had it five years, and purchased it in Denver, Colorado; I think he said for 25 dollars, but I am not sure about that. He told me the case was 14-carat rolled gold and that the watch was manufactured in England.

On the 23rd July I put the prisoner amongst other men in order that he might be seen by certain persons. That was at this Court, and I requested him to choose his own position. Amongst other persons he was seen by a Mr. John Ruff and a Mr. Albert Embler. When they saw him they said in prisoner's presence, "That's the man." I said, "What man do you mean?" Mr. Ruff said, "The man who lodged with me for about twelve months in 1876 and 1877, and whom I knew as Captain Weis, but I also knew him as John Smith, as he wrote from prison in that name to my brother-in-law for me to employ Mr. Ricketts to defend him." I said to prisoner, "Do you understand what Mr. Ruff says? He says that you are Captain Weis, otherwise John Smith, who lodged with him in 1876 and 1877." Prisoner said, "Yes, I understand."

After the persons who had identified him left the room prisoner was about to make a statement when I said to him, "Any voluntary statement you may desire to make shall be taken down in shorthand by Sergeant Draper, and I shall read it to you afterwards." He then made a statement which was taken down in shorthand by Sergeant Draper and transcribed. I read the statement over to prisoner afterwards. He said it was quite correct, and signed it. I produce it—exhibit 16.

After I had read over that statement I said to prisoner, "I have a gentleman here from Adelaide, South Australia, who has made a statement to me regarding you, extending to twenty-one sheets. He tells me he has been a great friend of yours for many years in Adelaide, and he will be called as a witness." Prisoner said, "Who's that?" I said, "A Mr. Day, a watchmaker." Prisoner said, "He's a highly respectable man, and I'm quite sure he would not say anything that was not true." He then asked me if he could correct certain parts of the statement which he had signed. I said, "Certainly. If you desire to do so, it shall be taken down at once." He then made the further statement which I now read out. It was taken down at once in longhand and read



## Adolf Beck.

over to prisoner, and he signed it. It is attached to exhibit 16.

I know as a fact that prisoner was charged at this Court in 1894. He was remanded twice and then discharged.

(Signed) JOHN KANE.

ANDREW JOHN DAY says—

My address is 44 Baker Street, Lloyd Square. I used to live in Adelaide, South Australia. I am a watchmaker. I lived in Australia at a place called Semaphore. I knew the prisoner there by the name of Augustus Wilhelm Meyer. He practised as a doctor and was called Dr. Meyer. He resided in Vienna Villa, Hutt Street, Adelaide. I made his acquaintance about 1884 or 1885. I became a very close friend of his. He lived in excellent style in Vienna Villa. He kept a carriage and a coachman, &c. I do not know whether he is a qualified medical man or not. He showed me a diploma, but I believe it is an American one of no value.

I last saw prisoner in Australia in the winter (Australian summer) of 1890. He was then leaving Australia for six months for Berlin. He said he was going to Berlin to study under Koch (the consumption professor). I took over prisoner's house. We corresponded by every mail while he was away. I wrote to him in Berlin and other places. I wrote to him at Westminster Palace Hotel, London. I had a letter from him from that address. I sent him a draft for £30 to that address. That was a gift to him. I have some of his letters now—in Australia.

Prisoner did not come back to Australia. I left Australia in 1899.

In April of this year (28th April) I happened to meet prisoner—at Moorgate Street, I think. He saw me first. He spoke to me and called me "Brother Day." He told me he had just arrived from South Africa, and had a case on before the Privy Council. We exchanged addresses for the purpose of meeting that evening. Prisoner was to call at my house. He did not come and he did not write. I wrote to the address he gave me. The letter was returned "unknown."

I next saw him last Friday at this Court. I am well acquainted with his handwriting. Exhibits 1, 2, 3, 4, and 7 now shown to me are in his handwriting.

The last letter I received from the prisoner (the one from the Westminster Palace Hotel) was about August, 1891.

(Signed) A. J. DAY.

JOHN RUFF says—

I live at 421 Caledonian Road. I am a watchmaker.

## Deposition of John Ruff.

In 1876 I was living at 33 Barnsbury Street, Islington. The prisoner was a lodger of mine. He occupied two furnished rooms—a sitting room and a bedroom, at 15s. a week rent. I knew him as Captain William Weis. He said he wrote for the newspapers, and had been in the Austrian Army. He lived with me until about May, 1877. Then he disappeared. I didn't see him after that until 1883 or 1884.

After he disappeared in May, 1877, I got a message in consequence of which I paid some money for prisoner to Mr. Ricketts, the solicitor. When I saw him again in 1883 or 1884 he said he would pay me the money—£12 or £15. He never paid me anything after that. I did not see him again. He said he had “done five years,” or something like that. I next saw him last Saturday week, 23rd July, at this Court amongst other men. I picked him out. I am quite sure he is the same man.

(Signed) JOHN RUFF.

## APPENDIX X.

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LETTER from Sir FORREST FULTON, published in the *Times*, 29th August, 1904.

### THE CASE OF MR. ADOLF BECK.

To the Editor of the *Times*.

SIR,

It was refreshing to read the letter of Sir Douglas Straight in your issue of the 24th inst., and to find some one who, before criticising the ruling of a judge, at least took the trouble to ascertain what the charge really was.

I notice he reserves his opinion as to the accuracy of my ruling on the point of law. I am, however, quite sure that if he had tried the case he would have decided as I did, and that any other competent judge, who had the courage of his opinions, must have done the same. The question whether Adolf Beck was John Smith was never at any time in issue in the trial before me; the Treasury, represented by Mr. Horace Avory, threw him over from the first.

(a) They deliberately tried the indictment for misdemeanour in which the previous conviction was not charged.

(b) Mr. Gill, for the defence, called several witnesses to Beck's character, which entitled Mr. Avory at once to prove the previous conviction; he did not attempt to do so or to call his character in question in any way. The only conclusion I could draw was that the Treasury had satisfied themselves either that Beck was not Smith at all, or that they were not in a position to prove that he was. There were four further indictments on the file of the Court charging four of the cases as felony, and in each indictment alleging the previous conviction.

After Beck's conviction on the misdemeanour indictment, Mr. Avory applied for a postponement of these cases to the next session, stating that he should advise the Public Prosecutor to apply to the Attorney-General to enter a *nolle prosequi*. Mr. Gill asked me to try one of the indictments, and I told him (which, of course, he well knew) that I could not compel Mr. Avory to try the accused a second time on the same facts for felony, he having already been convicted of misdemeanour, but that I must follow the usual practice and

## Sir Forrest Fulton's Letter.

postpone the four felony indictments to the next session to give the Public Prosecutor time to make up his mind whether he would offer no evidence and take an acquittal, or advise the Attorney-General to enter a *nolle prosequi*. I may here explain that, if an acquittal were taken, the previous conviction, as well as the substantive charge, would both have been finally wiped out, but if the course were pursued of entering a *nolle prosequi*, the previous conviction might be revived should the Crown at any time find themselves in possession of conclusive evidence in support of it. The proper person to decide what should be done in such a case was the Director of Public Prosecutions—a statutory officer specially appointed by Parliament for (*inter alia*) such a purpose. In due course a *nolle prosequi* was entered, and the indictments thus disposed of so far as the file of the Court was concerned.

In acting as I did I followed the ordinary and well-established practice, and any other judge must have acted in a precisely similar manner.

I now turn to the facts in the actual case tried before me.

The indictment (as Sir Douglas Straight has pointed out) was for the misdemeanour of obtaining various articles of jewellery by false pretences from ten different women on ten different occasions between December, 1894, and November, 1895, and contained ten separate counts. All the women swore most positively to the identity of Beck, and picked him out in every case from ten or twelve others, and, with two or three exceptions, they were entirely unshaken in cross-examination. It was not a case of witnesses seeing a person previously unknown to them for only a brief period of time, and then never seeing him again until they identified him; most if not all of them saw him more than once, and for a long period of time, extending, in some cases, over two or three hours.

The most dramatic evidence was that of Ottilie Messonier. She saw him twice, once for five minutes in Victoria Street, and a second time for three-quarters of an hour at her house. She swore that, as soon as she found she had been robbed and swindled, she at once lodged a complaint at Vine Street police station, gave a description of the man, and informed the police that he had a mark on his neck on the right side. In the course of her evidence before me she there and then pointed out the mark she had referred to, to the jury, who examined it for themselves. It was a mole. This witness saw the accused in Victoria Street on 16th December, 1895, at once identified him, and gave him into custody, alleging that he tried hard to get away, calling her "a dirty —"

## Adolf Beck.

—," but that she followed him and handed him over to Police-Constable Edwards, 419 A Division.

Mary Harvey, servant to Otilie Messonier, also picked out Beck as the man who visited her mistress on 27th November, 1895, and remained about one hour.

To show motive, the Crown presented a considerable body of evidence to prove that Beck was in needy circumstances at the time, and glad to borrow 5s. It was further proved that Beck was in the habit of occasionally frequenting the smoking-room of the Grand Hotel, and would thus have access to the hotel notepaper, and that the Grand Hotels Company, Limited, took over the Hotel Victoria on 1st January, 1895. Several of the documents in the case bore the impress of the Victoria Hotel. Lastly, Mr. Gurrin was called and gave elaborate evidence, swearing that, to the best of his belief, all the documents in the case were in the handwriting (disguised) of the prisoner, he having, of course, compared them with documents in his (Beck's) admitted handwriting. It was at this point that Mr. Gill desired to cross-examine Mr. Gurrin so as to raise the issue that, the writing in the Smith case being the same as the writing in Beck's case, according to Mr. Gurrin's evidence before the magistrate, the man who committed the one crime must have committed the other.

From Mr. Gill's point of view, Mr. Gurrin's evidence was perfectly worthless as establishing the fact that the same man must have committed the crime of 1876 and the crime of 1894. If Mr. Gill was right that the same man must have committed both crimes, and Beck was not that man, Beck was *ex hypothesi* innocent; yet Gurrin had sworn to the best of his belief, having Beck's admitted writing before him, that all the documents in the case before me were in Beck's handwriting. If he was wrong in this, of what value was his evidence as establishing in whose handwriting the Smith documents were? I may here add that in my summing up I specially cautioned the jury against relying too much on the expert evidence as to handwriting. I carefully explained to them that it only amounted to an opinion, and that they ought to exercise their own independent judgment on the matter; and to enable them to do so I took care that the documents should be handed to them one by one as they were referred to by Mr. Gurrin. It was never suggested that Beck had any alibi as to any of the ten charges laid against him in the indictment which I tried, and I thought that the defence was seeking to draw the jury away from the real issue—viz., whether all or any of the ten charges laid in the indictment were proved—by calling an alibi as to something not in issue before them—viz., whether Beck had been convicted of felony as John Smith in 1876.

## Sir Forrest Fulton's Letter.

I considered this issue was wholly immaterial, and, in accordance with the well-known rule of law, I excluded the evidence. It only could be material on the assumption that the man who committed the one crime must have committed the other, and upon this point I was of opinion there was no sort of proof before me.

Again, it is said the methods of Smith in 1876 were the same as the methods in the case before the jury; therefore, the man must have been the same.

I am quite unable to follow this argument; in my experience of thirty-two years, the methods of criminals constantly are the same; and, having regard to the fact that eighteen years elapsed between the commission of the one crime and the commission of the other, the probabilities seemed to me then, and seem to me now, all the other way.

In conclusion, I only desire to add that I do not think any one who was present would venture to say that the accused did not have a perfectly fair trial; it extended over nearly two days, and I summed up the case with the greatest care for nearly two hours. I explained to the jury that the responsibility rested with them, and with them alone; that they were to exercise their own unbiased judgments on the evidence as to the prisoner's identity, and I have no doubt at all that I told the jury in this case, as I certainly have done in scores of similar cases since, that if they thought the case was not proved, the prisoner was entitled to be acquitted, and that it was better that a thousand guilty men should escape than that one innocent man should be convicted; and, further, that every count was a separate indictment, and that they could convict on all, or acquit on all, or convict on some and acquit on others. The jury considered their verdict for some time, and then convicted on all the counts. I entirely concurred in their verdict; and I am quite sure that any one who will take the trouble to read the very full shorthand report of the trial contained in our Session Papers will come to the same conclusion, and say that on the evidence before them no other course was possibly open to them.

Eight years pass away, and Beck is again arrested for similar frauds, again committed for trial, again tried (this time before Mr. Justice Grantham), and again convicted.

On this trial Beck gave evidence on his own behalf, which in 1894, in the trial before me, the then state of the law did not permit him to do; it made no difference, the result was the same.

I am informed Mr. Justice Grantham has stated to a correspondent that he concurred with the jury in their ver-

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dict; I have carefully read the report of this case in the Session Papers; it was a strong case, but the strength of it was not nearly so great as in the trial before me in 1894.

No one more deeply deplores the wrongful conviction of A. Beck than I do; no one more deeply sympathises with him in his terrible misfortune and in his awful sufferings; but it is an odd thing to try and remedy one injustice by committing another.

Accused persons in this country are convicted on indictment, not by judges, but by juries; and under no system of jurisprudence can it ever be possible to prevent judges and juries alike being deceived by reckless or perjured testimony.

No one would welcome more heartily than I should the establishment of a strong Court of Criminal Appeal, but I fear even then cases of miscarriage of justice would from time to time arise; but I agree with Sir Harry Poland that they are very rare.

I am, Sir, yours faithfully,

FORREST FULTON.

Sheringham, 27th August, 1904.

## APPENDIX XI.

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### EXTRACTS FROM THE REPORT BY COMMITTEE OF INQUIRY.

To the Right Honourable A. AKERS DOUGLAS, M.P.,

One of His Majesty's Principal Secretaries of State,  
&c., &c., &c.

Sir,

We have the honour to state that we have completed the inquiry directed by our warrant and beg to submit our report.

We construed our mandate as giving us the largest possible discretion in fixing the limits of our inquiry.

The following is a short outline of the facts, to some of which it will be necessary to refer in more detail hereafter.

In 1877 a man who called himself John Smith was convicted at the Old Bailey for frauds on women of loose character, whereby he had obtained from them articles of jewellery or money. His methods were to introduce himself as a nobleman of wealth, with an establishment in St. John's Wood, and offer the position of mistress to his victim. He would then suggest that she would require a new outfit, write out an order to some well-known tradesmen at whose shops she was to purchase what was required, and give her a cheque on a non-existent bank. He would then on some pretext borrow some article of jewellery or money, with which he decamped. The name under which he perpetrated these frauds was Lord Willoughby. John Smith was sentenced to five years' penal servitude; he continued in prison till April, 1881, when he was released on licence.

Towards the end of 1894 the police began to receive complaints from women, mostly of loose character, that they had been defrauded by a man who gave himself out as Lord Wilton or Lord Winton de Willoughby, with an establishment in St. John's Wood. His methods were precisely similar to those which had been deposed to in the Smith case. The description given by these women of the man who had defrauded them varied considerably, but the cheques appeared to be all



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in the same handwriting.\* The efforts of the police to find the culprit had been unsuccessful, and their attention was first drawn to Mr. Beck, whose case is the subject of this inquiry, on the 16th December, 1895. On the afternoon of that day Otilie Meissonier, a woman who had been defrauded in the previous month, happened to meet Mr. Beck in Victoria Street and charged him with having robbed her. He indignantly protested that he had never seen her before. She followed him along the street till they met a policeman, to whom both appealed; and, as the woman persisted in her charge, they were taken by the policeman to the station, where a charge was entered against Mr. Beck. This was the first intervention of the police in the Beck case. A large number of the women who had complained to the police were then in the ordinary way given opportunities of seeing Mr. Beck, with a view to ascertain whether they could identify him as the man who had defrauded them. Of these, several with varying degrees of confidence affirmed that he was the man, and gave evidence to that effect before Mr. Sheil at the Westminster Police Court. After publicity had been given to the case by the reports of the proceedings, a gentleman who had been interested in the Smith case, and was entirely unconnected with the police, informed them that Mr. Beck was, no doubt, the ex-convict Smith. Upon that information Spurrell, an ex-police-constable, who had arrested Smith in 1877, was found. He swore positively that Mr. Beck was Smith, and was confirmed in his opinion by another officer who had been concerned in the Smith case. Mr. Beck was finally committed for trial on all the charges brought against him.

His case came on for trial before Sir Forrest Fulton, then Common Serjeant, at the Old Bailey, in March, 1896, when he was convicted and sentenced to seven years' penal servitude. He was tried on an indictment for misdemeanour only; there were also four felony indictments on the file in which it was charged that he had been convicted in 1877 in the name of Smith, but these were postponed till the next session, when a *nolle prosequi* was entered. The circumstances of his trial must be considered in detail later on. Suffice it to say here that his defence was that the real culprit was the man who had been convicted in 1877, and that he was not that man.

He was sent to Chelmsford Prison and ultimately to Portland, and in both prisons was classed and treated as a prisoner

\*Facsimiles of the incriminating documents of 1877 and 1896 are printed at the end of the Appendix to the Report. It is obvious that they are all in the same handwriting; but whereas the cheques of 1877 are clearly signed "Willoughby," the signature on the 1896 documents is scarcely decipherable.

## Report by Committee of Inquiry.

who had been previously convicted and wore a dress bearing marks indicative of that fact.

Immediately after his conviction he petitioned the Home Office on the ground that the case was one of mistaken identity, and that there had been a mistrial.

He presented several subsequent petitions on the same grounds, to all of which he received a reply refusing relief, until in May, 1898, his solicitor addressed another demand to the Home Office for a reopening of the case. Inquiries instituted for the first time by the Home Office, in consequence of this letter, elicited the fact that in 1879 Smith had, under special circumstances, been examined at Portland by the prison doctor, who had reported in writing to the governor that he had undergone the rite of circumcision. Orders were accordingly given to have Beck examined, to ascertain whether he was circumcised. It was found that he was not. On this new fact the Home Office, for the first time, consulted the Common Serjeant on the case. We shall deal in detail hereafter with the circumstances of this consultation, and the materials submitted to the learned judge. As the result, the Home Office came to the conclusion that they ought not to interfere in the case, except by ordering that Mr. Beck should be allotted a new number and letter not indicating a previous conviction.

The fact that Smith had been circumcised, though known to the prison authorities in 1879, and thus communicated by them to the Home Office in 1898, never became known to the Public Prosecutor or to the police until July of the year 1904, when, as will appear hereafter, Smith again fell into the custody of the law. Meanwhile, in July, 1901, Mr. Beck, having served his time, was released on licence. In April, 1904—nearly three years after he had been released—Mr. Beck was again arrested on a charge similar to those on which he had been previously convicted. He was tried before Mr. Justice Grantham, and again convicted; and, as he could not deny that he had been convicted in 1896, was treated as having pleaded guilty to a charge averring a previous conviction. The learned judge, however, felt misgivings as to his case, and postponed sentence till the next session; and though, after making inquiries of the police and the medical officer of the jail where Mr. Beck was incarcerated, he could find no solid ground for further withholding sentence, none was in fact pronounced, as in the meantime the arrest of the ex-convict Smith on similar charges, based on acts committed while Mr. Beck was in custody, led to further inquiries, and the consequent release and pardon of Mr. Beck in respect of both the 1896 and 1904 convictions. It should here be mentioned that the Home Office were not aware that Mr. Beck had been arrested

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and tried a second time until after Smith had been taken into custody.

The fact that an innocent man could be not once only, but twice convicted, and that an application to the Home Office upon the first of such convictions could lead to ~~no~~ redress, naturally created grave misgivings in the public mind as to the nature and working of our system of criminal justice. Hence the appointment of this Committee.

In view of this deplorable failure of justice, we have addressed ourselves to an examination of all the material stages in the history of the case in order to discover, if possible, the cause, not only of the original miscarriage at the first trial, but also of the subsequent failure of the reviewing authority to detect the flaw and redress the wrong. This latter inquiry seemed to us to be perhaps the more important of the two, since judges, however able and experienced, are fallible, and evidence as to identity based on personal impressions, however *bona fide*, is perhaps of all classes of evidence the least to be relied upon, and therefore, unless supported by other facts, an unsafe basis for the verdict of a jury. These elements of uncertainty cannot be eliminated from any system of jurisprudence. But it ought to be possible, not to say reasonably certain, that a miscarriage arising in the first instance from one or both of these causes should be capable of redress by the reviewing authority. Does our system provide with reasonable certainty for the detection and redress of miscarriage arising from either or both of such grounds?

The next stage in the investigation would be the circumstances antecedent to the second trial of Mr. Beck, and lastly the second trial itself.

Before stating the result of our inquiries as to each of the above stages it is desirable to make one or two general observations.

Broadly speaking, the terrible calamity which overtook the victim in this case was due to mistaken identity. He was believed by the prosecution to be Smith, the ex-convict. When convicted he was assigned by the prison authorities the letter and number by which Smith had been designated; and it was not until the re-arrest of Smith after Mr. Beck's second conviction that it became known to the police, the Public Prosecutor, the judges, or any one concerned in the case, that there was in existence evidence conclusively negating the identity of Smith and Mr. Beck. And yet this evidence had been in existence since 1879. Although, therefore, the system of taking physical identification marks which prevailed at the time of Smith's incarceration was very loose and inadequate, and presented an avoidable difficulty, which has been since corrected,

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in establishing the identity or non-identity of prisoners, the failure to dis sever the identity of Smith from that of Mr. Beck was not due to the defect of the then system. Though that system did not provide for noting the particular mark in question, it so happened that, as it were by an accident, the particular mark was discovered and noted; and but for the neglect or omission of the then governor, it would have been placed with the other identification marks on the prisoner's "description," of which it would then have formed part, and as such would have been brought to the attention of persons who applied for and received, or ought to have received, copies of his "description." This point will be more fully dealt with later on.

But a still stranger fact in this strange case, at first sight at all events, is this. Though mistaken identity was the root of all Mr. Beck's misfortunes, though it had never occurred to any one concerned in the prosecution that he was any other person than Smith, yet when it had been conclusively proved to the Home Office in 1898 as the result of their inquiries addressed to the prison authorities that Mr. Beck was not Smith, he was nevertheless allowed to serve out his term and no answer was given to his petition, except that he was accorded a new number and the mark indicating a previous conviction was withdrawn. And to add one new element to this extraordinary history, the fact thus discovered by the Home Office was never communicated by them to the Public Prosecutor or the police, an omission which seriously affected their action on the second arrest and trial.

In tracing the history of the case through its several stages, we have thought it necessary to scrutinise carefully the action of the police, the prison authorities, and the Public Prosecutor, to examine critically the circumstances of the trial itself, both on the first and second occasion, and, lastly, to consider the action of the Home Office.

To begin, then, with the conduct of the police. Some vague charges were suggested rather than asserted against them by Mr. Beck. We have done our best by all means at our disposal to search for any evidence in support of such suggestions, and have wholly failed to find it. The first suggestion was that the police, the prosecutor, and, among others, his own solicitor were in league against him. It was indeed natural, and perhaps inevitable, that, having gone through such experiences as he had, Mr. Beck should seek an explanation in the theory of a conspiracy. The mistake from his point of view seemed too gigantic to be explicable on any other hypothesis. We had all the officers before us who had to do with his arrest and his identification, as well as Mr. Dutton, his solicitor,

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who confirmed their statements that the process of identification was quite fairly conducted. The suggestion that the police had anything to do with bringing about his first arrest is negatived by the evidence, which shows that though the police were looking for the criminal they had failed to find him, and that his first arrest was brought about on the personal initiative of the woman Meissonier under the circumstances above stated.

Coupled with the entire absence of any probable motive for such suggested action on the part of the police, the evidence of the men themselves and their superior officers satisfied us that their conduct throughout was dictated by nothing but a sense of duty, and was perfectly correct. It requires no sinister hypothesis to explain the unreliability of evidence of identity based on personal impressions, and it would seem that there was some slight resemblance in fact between Mr. Beck and Smith.

It is due also to the police to point out that, after Smith's arrest in the present year, Mr. Beck owed his almost immediate release to the intervention of an intelligent police officer.

Next, as to the part played by the Public Prosecutor and his subordinate officer, Mr. Sims, in getting up the case for the Crown.

The Public Prosecutor, now Lord Desart, was not introduced into the matter until the 26th December, 1895, after the prisoner had appeared before the magistrate and been twice remanded. From that point onwards the case was managed by Mr. Sims, under the supervision of the Public Prosecutor. A few days after Mr. Beck's arrest, information had been received by the police, as already stated, that the prisoner was the ex-convict Smith. This information was communicated by the police to Mr. Sims, who thereupon, under the direction of Lord Desart, took steps to test the identity of Smith with Mr. Beck by applying in the proper quarter for the identification marks of Smith, and also for those of Mr. Beck. The marks of Smith were received in due course, but Mr. Sims stated that his recollection was that he did not receive those of Mr. Beck. They had, however, in consequence of Mr. Sims' application, been obtained by the police on the 15th January, 1896, from the deputy governor of Holloway Prison, where Mr. Beck was then confined. Inspector Froest, who received them, was under the impression that they had been sent on. However this may be, Mr. Sims certainly made no further application for them, and his explanation of his inaction is that about the time when he ought to have received them, a witness was found who could identify Mr. Beck as Smith, in the person of Spurrell, an

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ex-constable, who had had charge of the case against Smith, and whose evidence, together with that of another officer who had taken part in the case, was sufficient *prima facie* evidence of Mr. Beck's identity with Smith. Having regard to the fact that neither Spurrell nor the other witness had seen Smith for nineteen years, we think their evidence ought to have been tested by comparing it with any available records of the two men. The neglect to take this course tends to create an impression—perhaps an unwarranted one—that identification marks are used only to secure the conviction, and not to establish the innocence of a prisoner. We mention these facts in detail because of another incident in the case. In the early stage of the proceedings Inspector Waldock was in charge of the case. It so happened that he alone of the police force, so far as we know, happened to have had a previous acquaintance with Mr. Beck, and, as he told us himself, could not, and did not, believe in his guilt till after his conviction. Before he had ceased to have charge of the case, and while Mr. Beck was in custody, but after the information above referred to connecting Mr. Beck with Smith had been given to the police, he caused Mr. Beck to be stripped for the purpose, as he says, of discovering whether he could find on Mr. Beck the marks specified in Smith's "description," which had been furnished to him. This document, which had attached to it a photograph of Smith, did not, as above stated, record the fact of circumcision. Waldock could see no likeness between Mr. Beck and the photograph, and for his own satisfaction, without any order from his superiors, made the examination, with the result that he could not find on Mr. Beck the corresponding marks. The examination was, as above stated, unauthorised, and no written report upon it was made by Waldock to his superior officer, to whom in ordinary course he would have been bound to report it. He told us, however, that he did report the result verbally to Mr. Sims. Mr. Sims, though he threw no doubt upon Waldock's veracity, was quite positive that no such communication had been made to him. Shortly afterwards another officer, at the instance of the Public Prosecutor, acting through Mr. Sims, was substituted for Waldock in the conduct of the case. Waldock appeared to us to be a perfectly honest and respectable witness, and we cannot think that he stated anything which he did not believe to be true. We state these facts in detail because they are, in our opinion, the foundation for the only plausible allegation of unfair conduct on the part of the prosecution in this case. If Mr. Sims' recollection is right, the charge, of course, falls to the ground. If his recollection is wrong, and we must confess that we incline to the

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latter view, his conduct was nevertheless, in our view (to put it at the worst) quite consistent with a perfectly honest intention to bring together the necessary materials on which the prosecution was to be based. The gist of the suggestion made against him is that, having at an early stage of the proceedings received information showing that there were strong grounds for believing that Mr. Beck was not Smith, he kept it back and conducted the case throughout on the footing that they were one and the same person. The facts, however, are susceptible of another explanation. With his great experience of the untrustworthy character of these "descriptions," he might well suppose that no weight could be attached to the fact that Waldock had failed to find on Mr. Beck all the marks specified in Smith's "description." He may also have thought that Waldock's was a biased opinion, and it was clearly desirable that the conduct of the case should be confided to a perfectly neutral officer.

The only other suggestion adverse to the conduct of the prosecution in the preliminary stages of the case is that put forward by Mr. Beck's solicitor, Mr. Dutton, who complained that he had not been met either by the Public Prosecutor or the police in a sufficiently generous manner, and that unnecessary difficulties were thrown in his way. As no point bearing on the conduct of the prosecution in this unhappy case seemed in the peculiar circumstances too small to investigate, we carefully considered it, and, without discussing whether Mr. Sims' attitude might not have been more conciliatory, or whether Dr. (now Sir Robert) Anderson might not have reasonably given to Mr. Dutton the inspection of Smith's record for which he asked in his letter of the 6th February, 1896; we are of opinion that Mr. Beck's defence was not in this way prejudiced during the proceedings antecedent to the trial.

We now come to the action of the prison authorities during the same period. After his conviction in 1877, John Smith was examined for the purpose of ascertaining, for future identification, what personal marks he bore, and a record of the marks then observed was made. He was not then examined for marks of circumcision; examinations with that particular object were most unusual, and, as a fact, John Smith at that time declared himself a Protestant. In 1879 John Smith applied to the governor of the prison in which he was confined to be entered on the prison records as a Jew. He was thereupon examined by the prison doctor, who reported in writing that Smith had been circumcised. Owing, apparently, to the negligence or omission of the governor of the prison, who has since died, the fact that Smith was circumcised was not entered in his record of marks. The doctor's

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report was, however, placed on the file with the other papers relating to the prisoner. John Smith continued in prison till 1881, when he was released on licence. Before his release he was again examined in the ordinary course for personal marks, but not for marks of circumcision, and his record of marks on release was drawn up and issued to the police. In that record of 1881 it was not mentioned that he had been circumcised. The result was that neither his record of marks of 1877 nor his record of marks of 1881 showed that Smith had been circumcised. Consequently, when, on the demand of the Public Prosecutor in January, 1896, the "identification marks" of Smith were obtained from the police, these contained no allusion to the fact of circumcision. This omission, whether due to defect of system or to negligence on the part of an individual, was, in our opinion, the primary cause of the miscarriage of justice in this case. Had the fact of Smith's circumcision been ascertained at that stage of the case, in the competent hands of the Public Prosecutor, it must have radically altered its whole subsequent history, if, indeed, it had not brought it to a summary conclusion. There was, to be sure, the direct evidence of the women who had identified Mr. Beck, but there was simultaneous and no less cogent evidence that persons who had known Smith well, viz., the two policemen, Spurrell and another, could, and did, confound Mr. Beck with him. It seems to us that this fact alone, when the entire onus is on the Crown, might have of itself sufficed to show that the prisoner could not be safely convicted on evidence of identity resting on personal impressions only. But when the extraordinary similarity in detail of the methods employed, coupled with the fact that the handwriting was obviously identical, was thrown into the scale, the evidence, in our judgment, would have so preponderated in favour of innocence that the Crown would in all probability have declined to pursue the case. Even if the case had gone to trial, the disturbing factor of the previous conviction which led to so much unhappy confusion would have been wholly eliminated. There can be no doubt, therefore, of the importance of this circumstance. We were told by Major Clayton, who represented the prison authorities, that there was no rule obliging the governors of prisons to add such a detail to the prisoner's identification marks, but that he thought it only reasonable that it should be added when discovered. It seems that the ordinary process of examination for physical marks (for reasons which will be easily understood) did not extend to such a detail. The introduction of the finger-print system has now placed at the disposal of the authorities a means of identification which is certainly more satisfactory, and is alleged to be conclusive.



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We now came to a very anxious and difficult part of our inquiry, viz., an examination and criticism of what took place at the trial itself. We are not a judicial tribunal, much less a Court of Criminal Appeal, and have no authority to pronounce judgment upon the ruling of the learned and experienced judge who presided at the trial. We cannot, however, execute our commission in this case without expressing, for what it is worth, an opinion upon it. To make this opinion of any value whatever, we must place ourselves in the position of the learned judge at the trial, wholly disengaged from all impressions based on after-acquired knowledge. This is difficult, perhaps impossible, but we are bound to attempt it.

Mr. Beck was tried for the misdemeanour of obtaining money or jewellery by false pretences; but not on any of the indictments in which the previous conviction of 1877 was charged. There was no doubt whatever that the complainants had been robbed. The single issue of the case was one of identity, viz., was Mr. Beck the man?

A witness was called by the Crown, who gave expert evidence to the effect that the incriminating documents in the case were in Mr. Beck's handwriting, disguised, no doubt, but his. Mr. Gill, for the defence, having before him the deposition of this witness at the Police Court, which would be also before the judge—we will quote here from the report itself—"was proceeding to cross-examine as to the handwriting of certain other documents, exhibits in the case of a man named Smith, tried in 1877. Mr. Avory objected to the witness being cross-examined with a view of raising the question whether the prisoner was the person convicted in 1877 of an offence similar to that charged in the indictment; that was a collateral issue, and should not be inquired into until after the jury had returned their verdict, lest it should afterwards be said that the prisoner had been improperly convicted. Mr. Gill urged that the question was directly in issue, and that he was entitled to raise it, as his case on behalf of the prisoner was, that the man who was convicted in 1877 was the man who had been committing these frauds, and that the prisoner had been mistaken for that man. He desired to show, by cross-examination, that the writing of the man convicted in 1877 was the same as that of the exhibits in the present case. Mr. Gurrin stated that the exhibits in the case of Smith were examined by him some time after he had made his report; there was a reference in his report, produced at the Police Court, to the exhibits in that case. Mr. Avory objected to the witness being asked whether those exhibits were in the same writing as the lists in the present case. Mr.

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Gill further contended that upon the question of the value of the witness's opinion he was entitled to have all the documents produced which had been submitted to him. The Common Serjeant ruled that the question whether the prisoner was or was not the man convicted in 1877 was not admissible, upon the ground that it related to another and distinct issue, and one calculated to mislead the jury. If witnesses were called to character, Mr. Avory might cross-examine them as to the prisoner's previous character; or he might choose not to have the issue confused by the introduction of that matter."

The result was that Mr. Avory's objection was upheld, and the evidence to show that the documents in the Smith case were in the same handwriting as those in the Beck case then under trial, and that Mr. Beck was not the man convicted in 1877 was excluded. By this ruling the defence on which Mr. Gill relied was undoubtedly taken away from him. His case was that a comparison of the incriminating documents of 1877 and 1896 would show conclusively that they were the work of the same man, and that the criminal of 1877 must, therefore, necessarily be the criminal of 1896; and he had abundant evidence to prove that Mr. Beck could not have been the criminal of 1877 because in that year and for some years afterwards he was in South America. Mr. Gill, indeed, as a matter of fact, did call witnesses to character from whom he elicited the fact that they had known Mr. Beck in Peru during the period in question, but in face of the judge's ruling this evidence did not enable him to lay the real issue before the jury. The jury, therefore, never had any opportunity of considering the case for the prisoner based on the inference, to be drawn from the identity of handwriting and similarity of methods, that all the crimes were committed by one person, followed by proof that Mr. Beck was not that person, since being out of England he could not have committed the crimes for which Smith had been convicted in 1877. If Mr. Beck was entitled to the verdict of the jury on these points he has never had it. He was convicted on evidence from which everything that told, or might be thought to tell, in his favour was excluded. His case was never tried.

Two questions therefore arise. Was the learned judge's ruling right? Did it carry with it these consequences? In our opinion, the ruling cannot be supported, and the consequences named ensued.

No doubt the question, "Has the prisoner been previously convicted?" was not in issue on the indictment on which he was being tried, and the learned judge was perfectly right in asserting the principle that on a criminal trial the true

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issue must not be encumbered by the introduction of matter relevant only to a collateral issue. And had the evidence, involving a reference to a previous conviction, been tendered by the prosecution, and had the objection come from the prisoner it must have been properly upheld. The statutory inhibition debarring the prosecution in certain cases from referring to a previous conviction does not debar the prisoner from introducing it, if it is in any way material to his defence. These remarks have special application to the particular collateral issue of previous conviction which we are dealing with in this case, but there is a broader principle underlying the whole question, namely, that evidence adduced by the prisoner relevant to his defence cannot be excluded, although it be relevant also to a collateral issue which is not under trial. The existence of another charge, in respect of which he was not being tried, could not in any way narrow his right to give all evidence relevant to his defence. In our opinion the only ground on which the evidence tendered by Mr. Gill could have been excluded would have been that it was not relevant to the main issue. There can be no doubt whatever that in this case it was relevant to the main issue. It was the first step in a train of reasoning leading to the conclusion that Mr. Beck was not the man. Two crimes were committed by one and the same man. Mr. Beck could not have committed the first. Therefore he did not commit the second.

Upon the second question suggested, "Did the ruling carry with it as a consequence the mistrial as above described?" we cannot doubt that it did.

Mr. Gill raised his point in cross-examination, which was the first occasion upon which technically he was entitled and bound to raise it, and having got a ruling excluding the evidence which he sought to elicit he could not in the teeth of the judge's decision have tendered directly evidence to the same effect, even if he had been prepared to accept the consequences of calling a witness for the Crown as his own witness.

It seems to us that the learned judge did not fully appreciate the ground on which Mr. Gill claimed the right to put the question, and treated the sound rule as to evidence on collateral issues as applicable to the special circumstances of this case, which, with the greatest deference to the learned judge, for the reasons above given, we venture to think it was not.

We are quite satisfied that there was nothing whatever to complain of in the conduct of the trial by the prosecution. Mr. Avory, as counsel for the Crown, in the view of the case which

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he held, was perfectly justified in taking the objection, as well as in every step he took in the conduct of the prosecution. He has given his reasons in his evidence, and it would be quite superfluous to refer to them here.

It is only necessary to analyse the true bearing of the issue of previous conviction on the case to see that the course taken by the Crown in proceeding on the misdemeanour indictment, instead of on that which charged a previous conviction, was the most considerate to the prisoner and that it could have no possible effect in narrowing the area of his defence. The complaints urged as to this point have, in our opinion, no shadow of foundation.

The suggestion made that the prosecution, the judge, or the officials of the Central Criminal Court were responsible for the fact that Mr. Beck was treated in prison as a person previously convicted is also unfounded. The responsibility for this rests exclusively with the prison authorities.

Reserving the action of the Home Office for consideration hereafter, the next stage in the investigation is the period antecedent to the second trial. Here, again, we are of opinion that there is no foundation for any complaint against the police or the Public Prosecutor, who are the only persons concerned in this part of the case. It is true that on this occasion the police had themselves sought out Mr. Beck as the possible culprit and devised the means by which the woman who had complained should meet and identify him. Inspector Ward was the officer engaged in this stage of the case, and there is not the slightest ground for supposing that there is anything to complain of in his conduct. It was natural and reasonable after the result of the previous trial that Mr. Beck should be suspected and an opportunity provided for the witness to see him, but nothing unfair was done then or upon the identifications which followed.

The next stage is the trial before Mr. Justice Grantham, in which we include the antecedent applications for postponement. Here again misfortune pursued Mr. Beck. He had intended to raise the same defence which he had attempted unsuccessfully to put forward at the first trial. The solicitor who was preparing his defence was unwilling to proceed further without funds which Mr. Beck could not provide, and threw up the case. Shortly before this, however, as the trial was approaching, he instructed counsel on Mr. Beck's behalf to apply to the Recorder for a postponement in order to enable him to bring over witnesses from Sweden to support his alibi, and the application was granted. On the following day, however, the Crown, on an affidavit, stating that some of their material witnesses were about to leave England, applied to

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have the case taken at the then session, and thereupon the Recorder acceded to this application and rescinded his order postponing the trial. The result was that Mr. Beck was not in a position to raise or prove his defence, a result which probably was not present to the mind of the Recorder when he directed that the trial should proceed in the ordinary course.

When the case came on the learned counsel who defended Mr. Beck, being ignorant of the fact that the non-identity of Smith and Mr. Beck had been conclusively established, and never having seen the original documents in Smith's case, and having no evidence to show their identity in all respects with those on which the case against Beck was founded, and being further hampered by a previous conviction, was naturally unable to meet the case for the prosecution, and the prisoner was convicted. He was not even in a position apparently to inform the judge of the circumstances under which the trial had been forced on, otherwise that learned judge would infallibly have taken steps to remedy the evil, and Mr. Beck would in all probability have been spared the ignominy of a second conviction. Mr. Justice Grantham has himself explained at length his misgivings in the matter, and the efforts he made to sift the case to the bottom.

No exception can be taken to anything that took place at this trial. The miscarriage was due to the causes we have stated. But it is a formidable fact that an innocent man was convicted through the ignorance of the police and the Public Prosecutor of a material fact which was in the possession of the prison authorities and the Home Office. Possibly the solicitor who befriended Mr. Beck at the last moment and instructed counsel might have got on the track of this information had Mr. Beck informed him of his application to the Home Office which resulted in his number and mark indicative of a previous conviction being changed; but he does not appear to have done so.

We have now to deal with that part of the inquiry which relates to the conduct of the Home Office.

Here, again, as pointed out by Sir Kenelm Digby, we must disengage our minds absolutely from all impressions derived from after acquired knowledge. We must bear in mind also that matters were in a totally different position when the case came before the Home Office from that in which they stood at the time of the trial. The case had been tried and the judge had expressed a strong opinion in pronouncing sentence that the evidence was overwhelming. In view of the opinion expressed by the judge, coupled with the fact that the petitions relied only on the same evidence as had been tendered and rejected at the trial, a negative answer was returned to the earlier petitions. The judge was not consulted

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because it was apparent on the face of the report that he had himself dealt judicially with the point raised and was satisfied with the verdict. In these circumstances the view of the Home Office was that the subject matter of the complaint had been exclusively within the jurisdiction of the judge at the trial and fell outside the bounds ordinarily prescribed by practice to the jurisdiction of the Home Office. They do not seem at this stage to have felt themselves called upon to look at the matter as *res integra* and form an independent judgment upon it. In a valuable memorandum handed in by Sir Kenelm Digby, the limits which the Home Office regard as in practice defining their jurisdiction are stated, and, speaking broadly, we think that the reasons urged for observing those limitations are sound. The two jurisdictions must be kept apart and *prima facie* the proper tribunal for dealing with the legal aspect of the case is undoubtedly the judge at the trial. Sir Kenelm Digby admitted, however, that in a very strong case of miscarriage the Home Office might interfere even against the opinion of the judge on a matter within his jurisdiction. It seems to us that even on the facts stated in the first petitions the Home Office might have realised that there had been a miscarriage so grave as to call for interference had they deemed themselves bound to look at the case with a fresh eye. That accomplished lawyer who then held the post of permanent Under-Secretary could not have failed to realise the extent of the miscarriage had he felt himself at liberty to canvass the ruling of the judge.

A further circumstance should be mentioned, as it is said to have had some effect in confirming the original view taken by the Home Office, that there was no substance in Mr. Beck's petitions. It appears that in July, 1896, four months after the trial, at the instance of the Swedish Minister, permission was given for a solicitor on behalf of the Legation to see Mr. Beck and go into his case, and as no further steps were taken in consequence, the Home Office inferred that no ground had been found for intervention.

Whatever opinion, however, may be formed of the conduct of the Home Office in dealing with the earlier petitions, we regret to have to say that we think that its action was defective in dealing with the case in 1898. The Home Office then took a step, which might with advantage have been taken before, and obtained from the prison authorities, for the first time, the information that Smith bore the distinctive mark of a Jew, and that Mr. Beck was uncircumcised. With this fresh and important information before them, the Home Office very properly referred the matter to the learned judge who had tried the case for his opinion; but unfortunately they did not

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explain to the learned judge with sufficient clearness that this information was derived from official sources, nor did they ascertain the indisputable fact that the incriminating documents of 1896 were in the same handwriting as those of 1877. If the whole of the information as to Smith's circumcision and as to the identity of the incriminating documents of 1877 and 1896 had been placed before the learned judge, we can hardly doubt that he would at once have seen the mistake which had been made, and advised Mr. Beck's immediate release and pardon. Unfortunately the Home Office omitted to refer to the incriminating documents, and communicated the fact of Smith's circumcision in such a way that Sir Forrest Fulton regarded it merely as a suggestion put forward by Mr. Beck's solicitor; he certainly failed to realise that it was an ascertained fact, for in his report to the Home Secretary he stated that he had "very little doubt" that Smith and Beck were one and the same person," though he added that, if Smith were circumcised and Beck uncircumcised, this, of course, could not be the case; and he repeated what he had said in passing the sentence, that in his opinion the evidence against Mr. Beck was overwhelming. The gentleman in the Home Office who dealt with the matter ought, we think, to have observed that Sir Forrest Fulton was under a misapprehension and to have suggested a further reference to him. If he had taken that course, if even he had consulted the Public Prosecutor or the intelligent inspector of police, whom he did subsequently consult about the supposed scar on the prisoner's neck or jaw, we cannot doubt that the mistake would have been discovered, and that Mr. Beck would have been forthwith released. Misled by Sir Forrest Fulton's statement that the evidence on which Mr. Beck was convicted was overwhelming, he failed to apprehend the point which had been specifically brought before him. He did not even communicate either to the police or the Public Prosecutor the new facts which had been brought to light and proved conclusively that Mr. Beck and Smith were different persons. No doubt he imagined, having regard to the view of the learned judge at the trial, that the facts, which proved that Smith and Mr. Beck were different men, were immaterial. How material they were was proved in 1904. If in 1904 either the police or the Public Prosecutor had known that Mr. Beck and Smith were different persons, it is impossible to suppose that the second trial of Mr. Beck could have ever taken place or that the scandal arising from his second conviction could have occurred. Thus the mistake which was then made by the Home Office involved two consequences; it

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led to Mr. Beck's continued detention in prison; it indirectly led to his re-arrest and conviction in 1904.

The first Home Office minute is in these terms—"The argument of the petition is that the handwriting of the swindler in this case is the same as that of John Smith, and all the details of the frauds are precisely similar. Therefore, all the present sets of frauds were committed by John Smith. But the prisoner cannot be John Smith, because he was in Peru from 1873 to 1884, while Smith was convicted in 1877. Therefore the prisoner is innocent. Prisoner's counsel tried to raise the question of the prisoner's identity with Smith in the course of his trial on the specific charges of fraud, but the Common Serjeant ruled that it was irrelevant (Sessions Paper, page 485), and even if the prisoner is not Smith the evidence of his guilt is overwhelming. He was identified by ten women whom he had defrauded quite positively. There was also the evidence of Mr. Gurrin as to the handwriting on the forged cheques and its identity with the prisoner's writing." Though this minute does correctly state the points of the defence, it is not, in our opinion, such a minute as a trained lawyer, who had read and understood the petition and realised the full effect of the learned judge's ruling in excluding all the evidence in favour of the prisoner, could possibly have written for the guidance of his superior. It suggests no inkling on the part of the writer of any mis-carriage. It assumes as concluded beyond discussion the ruling itself which is the real ground of appeal, and assumes as conclusive evidence which was only conclusive because all evidence to the contrary was excluded by the ruling impugned.

The following minute also calls for comment:—

"Mr. Gill tried very hard to raise and press the point now put forward in the memorial, that the writing of the cheques was the writing of the man convicted in 1877, and, if he had succeeded, he had witnesses to prove that Beck could not be the man, as he was out of the country. Mr. Avory objected and the Common Serjeant supported him. It was a clever ruse, for how could his witnesses' evidence have been disproved. It would have been very difficult indeed, I should think. See pp. 485 and 489, Sessions Paper. The Common Serjeant, in passing sentence (*Times* report, 6th March, 1896) said 'the jury had convicted the prisoner on what he himself considered overwhelming evidence of identity: evidence found not in one direction, but in every direction, of a most base and wicked crime, one which was entirely heartless.'"

This minute is hardly one a trained lawyer could have written. It would almost seem to suggest that a defence



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of an alibi was defective and a ruse, because it would have been so difficult for the Crown to answer it! Could any one who fully appreciated the vital importance of the alibi in the chain of the prisoner's defence, and realised that the judge's ruling had excluded it, have framed this minute?

We think it only right to observe here with respect to the alibi which called out these observations as well as those of the learned judge's letter which has been made public, that apart from the general suspicion which this defence commonly suggests there was here no *prima facie* ground to discredit it. It is not on its face open to the possible vice of most alibis, viz., that the events described as incompatible with the prisoner's presence at a particular spot on a particular day may be quite truly averred to have happened, though they happened on some day other than the one in question. Here the presence of Mr. Beck in Peru on any single day in the whole period embracing Smith's frauds and his imprisonment would have sufficed to prove his plea.

Furthermore, could any one who had fully realised that the foundation of the defence, or at all events one of the two factors which constituted the defence, was, that Mr. Beck and Smith were two different persons, and who realised that the evidence in support of it had been excluded, could such a person have refrained from doing what was done two years later, namely, procuring the identification marks of Smith and Mr. Beck respectively? The desirability of such an application was fully realised by Mr. Murdoch later on, for he says in his minute of 1898, referring to the identification marks, "which curiously have never been referred to before." One of the first steps the Public Prosecutor had taken when the matter came into his hands was to attempt to procure these marks.

The following minute, which was written in July, 1898, after the Common Serjeant had been consulted on the case and was certainly placed before Sir Kenelm Digby, since it bears its initials, is also open to the comment which we have made on those above-mentioned; it discloses a want of appreciation of the facts and legal aspect of the case:—

"The Common Serjeant has not the slightest doubt that Beck is the man who robbed the women in 1895; whether he is also the man who was convicted of a similar offence in 1877 is open to doubt, but this is really immaterial, as Beck is being punished only for the offence proved in 1896.

"Nil: but let convict be given a fresh prison number, so that his identity with D 523 should not be affirmed."

The short fact is that if there had been any one in the

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Home Office in the chain of subordination up to the permanent Under-Secretary, whose legal training had enabled him to convey in a minute the real nature of the miscarriage, the attention of that official must have been attracted to the case in such a manner as to compel intervention.

Probably to the same want of appreciation of the legal bearing of the case is to be attributed another defect in the process of review by the Home Office. When the information was received dissevering conclusively the identity of Smith and Mr. Beck the effect was that the second step in his defence was made good. Instead of the alibi, which had not been before the jury, there was now the indisputable fact of Smith's circumcision. What was the other step in Mr. Beck's defence? It was clearly stated in his very first petition: "From what I have heard," he wrote, "there can be no doubt that this person" (namely, John Smith) "whoever he is, is the same who has committed the crime for which I am accused by this woman. Your lordship will find that in examining that man's trial of '77 there will be found the same story as told by this woman against me, the same cheques, the same handwriting and signature." What steps were taken then to see whether there was any solid foundation for this contention by looking at and comparing the original documents in Smith's case with those on which Mr. Beck was convicted? It is true that the documents were not at the Home Office, but they were with the records at the Central Criminal Court and were available for comparison. To compare them would have been the simplest way to ascertain whether a real or only technical wrong had been done by excluding from proof the first step in Mr. Beck's defence. Had these documents been examined the inference must have been irresistible that all were the work of the same man, and have forced the conclusion that relief could not be withheld. But nothing of the kind was done. Indeed it is another extraordinary fact in this strange story that neither at the first trial, the review by the Home Office, or the second trial were these documents examined, and yet they would have been practically conclusive if they had been compared.

There was no evidence that any of the petitions presented by Mr. Beck went before Sir Matthew White Ridley, who was the Secretary of State during the period of Mr. Beck's first imprisonment; none of the documents in the case bear his initials. We consequently did not consider it necessary to call him before us.

Before parting from the facts of the case, we desire to record our opinion that there is no shadow of foundation for any of the charges made against Mr. Beck or any reason for supposing that he had any connection whatever with them.

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It only remains for us to express our obligation to our Secretary, the Hon. Malcolm Macnaghten, for the great assistance he has given us throughout this inquiry.

We have the honour to be,

Sir, your obedient servants,

R. HENN COLLINS, M.R.

SPENCER WALPOLE.

JOHN EDGE.

MALCOLM M. MACNAGHTEN,  
Secretary.

*The 14th day of November, 1904.*

## APPENDIX XII.

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### EXTRACTS FROM EVIDENCE BEFORE COMMITTEE OF INQUIRY.

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Mr. HORACE AVORY, K.C., called and Examined.

1041. The CHAIRMAN—You are Mr. Horace Avory, K.C.?—Yes. Shall I make a statement, or do you desire to put any questions to me?

1042. I would rather you make a statement, and if there is anything I want to call attention to I will ask you?—If I may be permitted I should like first to answer the allegations which have been made against me personally of what I consider would have been gross professional misconduct in this case of Adolf Beck.

1043. I am not aware that any aspersions have been cast upon you. On the contrary, we have had an eulogium pronounced upon you this morning when you were not here?—I know nothing of what has passed this morning. I only know my attention has been called to certain passages in the *Daily Mail*, in which I am accused of having been a party to a conspiracy to procure the conviction of a prisoner by suppressing facts which would have ensured his triumphant acquittal, and also in another passage it is alleged——

1044. I really do not think it is necessary for you even to seem to confute such a charge as that. I mean it is so outrageous and ridiculous on the face of it, that no reasonable person could for a moment entertain it?—My lord, I should not have noticed any such allegations if they had appeared merely in a newspaper, but I do desire to call your attention to the fact that at a later date Sir George Lewis, the solicitor to the *Daily Mail*, is reported in an interview to have stated that the conduct of the prosecution was open to the gravest suspicion, and that my conduct was apparently designed in order to deprive Adolf Beck of his defence to this charge. Seeing that Sir George Lewis is a man who ought to know something of the criminal law, and who ought to know something of me, I do desire merely to meet the allegation that the indictment in this case was prepared, and the prosecution conducted, with the object of excluding from the consideration of

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the jury a defence which Adolf Beck desired to lay before them, and it is only for that reason that I have even mentioned allegations, which as your lordship is good enough to say——

1045. They carry with them their own refutation in my judgment?—My lord, I am quite satisfied now to proceed to state the history, so far as I was acquainted with it, of this case.

1046. Here is Sir George Lewis himself, and I am quite certain that he would be the first to disclaim ever having made such a suggestion to any person in the world?—My lord, in the first place the indictment for misdemeanour was prepared here in the ordinary form in such cases. It has been alleged that that indictment did not include a charge of the previous conviction, and that by trying that indictment which did not contain any count or charge of a previous conviction that issue was kept from the jury. I may remind the Committee, who no doubt are well aware of it, that such an indictment could not contain any charge of a previous conviction.\*

1047. Sir JOHN EDGE—That was the practice at my sessions, I believe?—I elected to try the indictment for misdemeanour, also in accordance with the usual practice in such cases, for two reasons: first, because in my judgment many of the offences which were alleged in this case did not amount to larceny, but were clearly cases of obtaining money and goods by false pretences; and, secondly, because this was a case, in either view, where it was desirable that the jury should have all the case before them at the same time. If a man were tried upon one indictment only for a felony in such a case as this, it might be difficult or impossible for him to establish a defence either by way of alibi or otherwise to that particular charge, but if he were tried upon ten different charges giving at least ten different dates (and in this case giving in fact twenty different dates when he was said to be identified as being at a particular place at a particular time) it not only enabled the jury to have the whole case before them, but it enabled him also to prove as to any one of these occasions that he was elsewhere, or to establish any other defence to any one of those charges, and if any such defence had been put forward as to any one of the cases, I cannot myself doubt that the jury in this case would have hesitated to accept the evidence of identification. As a fact, of which of course you are aware, there was no attempt made as to any one of the nineteen or twenty different occa-

\* *Note by the Witness.*—My attention has since been called to the Prevention of Crimes Act (34 & 35 Vict. c. 112, s. 8) which might have justified it, but it was never my practice to do so, and I am not sure that I was aware of it.—H.A.

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sions of which he was identified as having been present at a particular place and at a particular time——

1048. The CHAIRMAN—As to which he was identified?—As to which—there was no attempt to put before the jury any suggestion of any alibi, which would be the ordinary defence, of course, which a jury would expect in such a case. Those were my reasons for trying the indictment for misdemeanour, instead of the indictment for felony. Now it is said that upon the trial when evidence was given by the expert in handwriting, that the documents in that case in 1896 were in the handwriting of the accused person, that I objected to cross-examination with a view of showing that those documents were in the handwriting of a man who had been convicted in 1877, and it is true that I took that objection. Whether I was right or wrong in law in the objection, I think I can satisfy the Committee that I was right in taking it.

1049. I do not think there can be any doubt about it from your point of view?—I should like to state, if I may, why.

1050. Certainly?—Because those people, of course, who do not know anything about the law, and who have written on this subject, have blundered about it, and probably did not appreciate the reason for the objection. I started upon this inquiry with positive instructions, which I had no reason to doubt, that Adolf Beck was the man who had been convicted in 1877. I had before me not only the evidence of the police constable who had been called at the Police Court, and who had positively identified him as the same man, but I had also in my instructions the evidence of another police constable, an inspector, then retired from the force, who had had charge of the case in 1877 together with the police constable Spurrell, and who, it was said, was actually prepared to identify him as the same man who had been convicted. Therefore, I wish to make it plain that, not only before the prosecution commenced, but at the trial, I myself felt no reasonable doubt that he was the same man who had been previously convicted. As soon as the questions were put in cross-examination with a view of showing that the handwriting was that of a man of the name of Smith who had been convicted in 1877, I was in this position if I did not object to it—that it would go before the jury that the handwriting was that of another man named Smith and not of the accused. I should then have been bound, in order to prevent the jury, as I thought, being misled, to prove that he was the same man who had been previously convicted, and having regard to the fact that not only common law and common fairness, but the statute itself in express terms says that a jury shall not be told of a previous conviction against a man until they have delivered their

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verdict on the issue which they are trying, it was my duty if I could to prevent the breach, as I thought it would be, of the statute by allowing the jury to be told, or allowing myself to be forced into the position of proving before the jury, that he was the same man who had been previously convicted, and it was solely in order to prevent, as far as I could, the jury being prejudiced by evidence that this man who was on his trial had been previously convicted that I took that objection to the evidence at that stage. If the learned judge who was trying the case had ruled otherwise than he had done—had ruled that the evidence was admissible, and that the defence must take the risk of what would follow, I should of course have accepted the position, and I should, at the conclusion of the evidence that I then had to give to the jury, have called the witnesses, who would have proved before the jury that he was the same man who had been convicted. And my recollection of the case is, having no reason to doubt at that time the testimony of those police constables—my belief is, that if the jury had had before them at that time the evidence of those two police constables, positively identifying him, they would have come to the conclusion then, wrongly as it now appears, that he was the man previously convicted. As I say, it was entirely to prevent the prejudice which would have arisen that I took that objection, and the learned judge upheld it on the very grounds which I think are reported in this report of the trial. I appear to have said, according to this report, that I was anxious to avoid any question of the previous conviction coming before the jury at all.

1051. I noticed the passage. You say at the end of your speech—"And should not be inquired into until after the jury had returned their verdict, lest it should be afterwards said the person had been improperly convicted"?—Certainly. My feeling at that time was that it might be said that the evidence had been improperly admitted, contrary to the statute, of a previous conviction against this man. Now it has been further said that at the conclusion of the trial, after the jury had convicted, I improperly refused to allow one of the indictments upon the file of the Court for felony which contained the charge of a previous conviction to be tried. The answer to that, of course, is patent to any lawyer who knows anything of the criminal law. The man had been tried for obtaining these goods by false pretences and convicted. The statute provides that a man who is tried for obtaining goods by false pretences if the offence turns out to be larceny may nevertheless be convicted. He is not to be acquitted if it turns out to be larceny, and to suggest that he should afterwards be tried for larceny on the same facts is, of course, ridiculous to any lawyer. He

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could not be tried on the same facts for larceny by the common law, but the very statute which enacted the offence of obtaining money by false pretences contains an express provision that a man shall not be acquitted if it turns out to be larceny, provided, nevertheless, that he shall not be liable to be tried for larceny afterwards upon the same offence. So that there I had an express provision of a statute which absolutely prevented me from trying a second indictment for larceny upon those same facts. Yet it has been said that that course was taken for the purpose only of excluding from the jury the consideration of this question of the previous conviction, and further, to complete the history of that trial, it appears that an application was made to the Attorney-General to enter a *nolle prosequi* as to these other indictments. As far as my recollection serves me, that was done simply because my learned friend, Mr. Gill, said—"I insist upon the other indictment being tried." I, having this provision of the statute in my mind, said—"I insist that I cannot try them." But he said—"They are there on the file; something must be done with them," and this is a question which has often presented itself to my mind, and I am not sure whether it has ever been settled as to what ought to be done in such a case.

1052. I know; I have been embarrassed by it myself?—My own view has always been that any man who is charged is entitled to have the indictments which are on the file got rid of in some way for or against him. There is no power for anybody to tear them up, and there is no power for anybody to burn them, and if a man insists when there are other indictments on the file that they should be got rid of, I know of no way except by entering a *nolle prosequi* to them. At all events that was done simply as a formality because he insisted on their being got rid of. As I have pointed out, by law they could not be tried, and therefore the *nolle prosequi* was the only formal way of dealing with them.

1053. Sir JOHN EDGE—You say you could not try them even to the extent of putting the man under charge for the indictment of felony?—If you refer to the statute you will find it is, I think, section 88 of the Larceny Act.

1054. It is many years since I have seen it?—I think it is section 88 which makes the offence one of false pretences, and there is an express provision that the man shall not be tried for larceny on the same offence. It clearly would be a trial to put him upon his trial.

1055. Yes. Then, according to your view, a *nolle prosequi* was the only way of disposing of it?—It is the only way I can think of now even, and I am getting rusty a little now.



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1056. Hardly yet?—There is only one other thing I should like to say about this question of the handwriting. As I have said, my only reason for taking the objection to the questions put in cross-examination was, that it would involve me in the predicament of having to prove the previous conviction. I waited to see whether any affirmative evidence would be forthcoming from the defence as to the handwriting, as to which quite a different consideration would have arisen. If, for instance, any witness had been called for the defence to express his opinion that the handwriting in the documents in 1896 was not the handwriting of the accused person, no objection, of course, could have been taken to that, and none would have been taken, and if such a witness had come and expressed an opinion that the handwriting in those documents in 1896 was not the handwriting of the accused person, I doubt whether any objection could have been taken to his going on to say—"I not only think they are not in the handwriting of the accused, but I do think they are in the handwriting of another man whose writing I have seen in 1877." And therefore I am making these observations only for the purpose of pointing out that my objection taken to a question in cross-examination did not exclude the defence from producing affirmative evidence as to the handwriting. If they had only put any witness into the box who either knew it, or an expert who it appears they had in fact consulted and I had that fact before me—when I made the objection I had the fact present to my mind. I was informed in my instructions that an expert in handwriting had been consulted on behalf of the defence, and I had reason to believe he would not be forthcoming and could not come into the witness-box and express an opinion in favour of the accused.

1057. It could not have prevented that evidence?—It clearly could not, and the Committee will see, I think, in this report that a witness was called, whose name was Albert Ernest Lamb, for the very purpose of proving that the exhibits had been produced at the Treasury to Mr. Inglis, the expert in handwriting, and that he had had the opportunity of examining them on behalf of the defendant, and therefore I had before my mind the fact that no expert on the other side would be forthcoming.

1058. You thought it was not at all likely that that expert would be called?—I knew.

1059. He had an opportunity of coming to give evidence?—He had an opportunity, and I knew he was not coming. I was told he had seen the documents long before the case had concluded at the police court, and he was not forthcoming. I was right in that because he did not come. Further, in

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reference to this question on the handwriting I had this before me. There was a witness called for the prosecution named Godfrey Chetwynd, who was called to prove the genuine handwriting of the accused person, and who produced letters which he had received from him. They were produced by the prosecution for the purpose of founding the comparison which the expert was going to make and did make. This witness knew, therefore, the handwriting of the accused person perfectly well, but no question was put to him in cross-examination as to whether he believed the documents in question to be in the handwriting of the accused, and when witnesses for the defence were called, a man named Kistner, a clerk, was called for the purpose of proving transactions with the accused, and who knew his handwriting and spoke about his writing in his office in his presence. Although he was called as a witness for the defence and knew the handwriting, no question was ever put to him as to these documents being in the handwriting of the accused. So that I had, therefore, before me, not only the fact that the expert who had seen them refused to give an opinion in favour of the accused, but also the fact that at least two witnesses who knew the handwriting and had seen him write were not prepared to express any opinion in his favour. Under those circumstances, I have a distinct recollection that at the time I thought this question about the previous conviction was what a learned judge has described as "one of those false issues which some people delight in." I thought it was a false issue being raised before the jury, and that it was my duty, if I could, to exclude a false issue from the jury. I think there is nothing else that I desire to say.

Mr. BECK—My lord, may I be allowed to ask a question on this matter?

1060. The CHAIRMAN—Will you just let me know what question it is you want to put. I mean it will probably come better later on after I have put some questions to Mr. Avory. In the meantime you might either write the question down, or tell me what it is. Have you finished your statement, Mr. Avory?—May I add something. I do not want to prolong any personal aspect of this matter at all, but this is the only opportunity. I observed the usual rule of not answering in the newspapers anything which has been said about me.

1061. If you think it worth while, you are fully within your rights?—I have said I only think it worth while because the author of this statement is supposed to know something about the law, and I find in this interview with Sir George Lewis that he states that the suspicion in his mind arises from

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the fact of our choosing the indictment for misdemeanour, and that he supposes by this time the prosecution had arrived at the opinion that John Smith and Adolf Beck were two separate persons. That is a distinct statement that this indictment was chosen because we had arrived at the conclusion that John Smith and Adolf Beck were two different persons, and that, therefore, we wanted to exclude from the consideration of the jury this issue of whether they were in fact two persons or not. I have already answered that by saying that at the time when I started upon this trial, and throughout the conduct of it, I was myself firmly of opinion from the evidence which was before me that they were the same person, and that my only object was to prevent the jury being prejudiced by the knowledge of it.

Sir GEORGE LEWIS—Will Mr. Avory produce my letter to him?

The WITNESS—Certainly.

Sir GEORGE LEWIS—If you have it will you read it, Mr. Avory?

The WITNESS—I have not got it, but Sir George Lewis wrote to me to say that what I did was no doubt done on the instructions of the public prosecutor; to which I replied that I never did anything which I thought was professionally wrong on the instructions of any client.

Sir GEORGE LEWIS—That was not all I wrote to you.

The WITNESS—The substance of it.

Sir GEORGE LEWIS—Produce the letter, and that will speak for itself.

The WITNESS—By all means, if I have it. This is the letter—"Upon my return to business to-day I have seen your letter of the 14th inst., in which you refer to the interview with me published in the *Daily Telegraph*." That is my letter to Sir George Lewis. "You complain that I said 'that the course adopted in that case is open to the gravest suspicion, and that the course was adopted with the object of cutting away from Mr. Beck his entire defence.' I did say that the course adopted by the prosecution was open to the gravest suspicion, but I did not say that the course was adopted with the 'object' of cutting away Mr. Beck's entire defence. I still maintain that the course adopted did cut away from Mr. Beck his entire defence. You will observe that before making that statement I said you must have been instructed by the public prosecutor to take the course you did. I cannot therefore understand why you should suggest that I have made a grave accusation against you; certainly I had no intention of doing anything of the sort, and it would have been most repugnant to my mind to have suggested that you were

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capable of intentionally acting unfairly with a view of obtaining an unjust verdict against an accused person. I think it due to you and to myself to make this explanation that there may be no misunderstanding as to what my view was." All I want to say upon that letter is, that I do not excuse myself or ever should excuse myself from any such accusation on the ground that I have been instructed by any client to take any such course.

1062. The CHAIRMAN—Is that all?—That concludes my statement.

1063. Suppose in this case there had been no indictment of which a previous conviction was a part at all, and the prisoner had been tried only for the misdemeanours named in the indictment and this evidence had been tendered, could you have objected?—Am I to assume that I have before me evidence that he is the man who has been previously convicted?

1064. Yes?—Then, assuming that I have before me evidence that he is the man who has been previously convicted, and the question is put tending to show that the handwriting is that of a man previously convicted, I should have taken the same objection, for the same reason, simply for the purpose of excluding, if I could, from the jury the fact that he had been previously convicted.

1065. Is that a right that you think the prisoner or his counsel could not waive?—I think he could waive it.

1066. And if he tendered the evidence it would be your duty, or at least you might think it right, to warn him of the consequence, namely, that he was introducing an element which might prejudice the jury against him; still, if he persisted, you could not invite the judge to exclude it?—I think not; in fact, the case frequently happens where one is obliged to warn either the counsel or the man where he insists on taking a line of evidence as to character where it may entail consequences.

1067. Quite?—In this case it was in the nature of a warning, my objection was in the nature of a warning.

1068. I inferred that. But it did not alter the real issues in the case in any way?—No.

1069. It left them where they were?—It left them exactly where they were.

1070. A warning given to the person tendering the evidence that he might be making a mistake?—Certainly.

1071. But it did not in any way alter the legal issue?—I agree.

1072. Which was: "Is the man in the dock the person who committed these offences?"—These offences in 1895; that was the issue.

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1073. Certainly, that was the issue. Would it not be a perfectly direct answer to that to show that the person who committed the offences charged was another person and not the prisoner?—Certainly.

1074. Was another person, and therefore not the prisoner?—Certainly.

1075. One way—perhaps not the most direct—but still a direct way of showing that the person who had committed the offences charged was another person and not the prisoner would be to say, “I hope to show that in the opinion of the expert the incriminating documents in this case are in the same handwriting as those of the 1877 case, and that there are other points of similarity between the two cases. This I tender as evidence to show that the crime, whoever it was that committed it, now charged, and the crime of 1877 are the work of the same hand; and having established that, I propose to show that the crime committed in 1877 could not have been committed by Beck, because he was then out of the country.” As I have said, it is a somewhat roundabout way of arriving at the main issue, namely, that the man in the dock is not the man who committed the crime; but each of those steps would be relevant, would they not?—I think it is undoubtedly a roundabout way of arriving at the conclusion that he is not the man.

1076. Whether it is roundabout or not, it may be the only means which he is enabled by evidence to adopt, and it lands ultimately in evidence directly material on the main issue in the case?—Yes, that is all subject to the difficulty—the predicament—that you are in. In admitting it you are admitting the evidence of the previous conviction.

1077. That we have dealt with and we understand. If you throw into that discussion the mere probabilities of the case that two people, at an interval of fifteen years, should commit the same crime, not only in general outline and principle but in every special detail, and that the documents which were used on those two occasions are to ordinary persons—not experts at all, if they compare them, obviously the work of the same hand, would it not seem to result in a most extraordinary coincidence that two separate persons should commit these crimes with these details of similarity at that interval without any proof of any possible opportunity of collusion between them?—I hesitate to express any opinion contrary to that which I see is in your lordship’s mind, but I must say my own view is now, and certainly was then, that there was nothing improbable in two different people committing offences so similar to each other.

1078. I can understand, in principle, that that is so. As

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long as human nature is human nature you will probably have people who will, in some way or other, do similar things?—In my experience this kind of fraud upon this kind of women is as common as petty larceny.

1079. Yes, that I can quite understand?—And the features of it are all similar in all cases which have come under my notice. Certainly, hundreds of cases have come under my notice of men representing themselves to be men in a "good position with titles—members of the aristocracy and so on—deceiving women of this class and getting anything from them which they could, and giving them bogus cheques to deceive them, and the mere fact that the men even used the same name of a member of the aristocracy would not, to my mind, give rise to the suspicion that he was necessarily the same man.

1080. That would be all for the jury?—It is an observation. It is a legitimate argument to the jury. If I had not had evidence of this man being the same man I should certainly not have drawn the conclusion that he must be the same man because of the similarity of the circumstances.

1081. Quite; that would be a question of degree. They might be more or less similar and they might be identical?—And you cannot say that the same man will do the same thing. My experience is that he does not do the same thing. When he comes out of prison he varies his methods generally; therefore it was rather unlikely the same man should be pursuing exactly the same course.

1082. At all events that would be a matter for the jury to decide?—Entirely.

1083. And the nearer you get an identity in the handwriting and in the special facts—the particular name of the house in St. John's Wood, and all that kind of thing—the more difficult it is, or might be, for a jury to come to the conclusion that they are the work of two different persons and not of one?—Yes. In this case I think it was merely a case of a man saying he was Earl So-and-so and had a house in St. John's Wood.

1084. Did he not give the name of the house?—Not in each of the cases.

1085. Now throw into that evidence the fact that Beck was out of England during the whole period covered by the Smith frauds, and then it seems to me you have a very formidable case to go to a jury. First of all, you have the eighteen years' interval and the extraordinary similarity of the acts themselves, which, as you say, is not so material, because it is not uncommon; then the writing apparently identical—still only matter for the jury—and throw into that in addition the evidence that Beck could not have committed the first set of frauds

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because he was out of England at the time, that would have been a formidable case for a jury?—I do not know that there is any object in expressing an opinion on what would have happened.

1086. No, but it would have been a case to address the jury upon?—Yes. I have an opinion.

1087. You are quite entitled to express it?—Since I have read this case it has come back to my memory, and remembering, as I do now, the way in which these persons gave their evidence in Court, and the way in which their identification was not only unshaken, but in some instances confirmed and corroborated in cross-examination by their pointing out things which had not previously been mentioned, my own opinion is that, even if that issue of the previous conviction had gone to the jury, the jury would have convicted of the offences in 1896—even if they did not convict on the previous conviction.

1088. Would not that depend on what view they took of the veracity of the witnesses proving the absence of Mr. Beck from England?—Yes, I say that for this reason: that the jury had before them practically the evidence—

1089. There is a great deal in the word “practically” there?—I say it because they had before them under the name of “character” evidence of the alibi in 1880 or 1881.

1090. They had, but that issue could not be pressed upon the jury, nor that evidence used for that purpose before the jury?—No.

1091. It would come out, as you say, incidentally under the garb of character?—It was put before the jury for that purpose.

1092. It could not be, and was not, pressed home as an argument on the main issue in the case?—I could not pretend to recollect what was said in the speech for the defence.

1093. The learned judge had ruled that any evidence going to show the identity of Smith and Beck was inadmissible. The Common Serjeant ruled that that question, whether the prisoner was or was not convicted in 1877 was not admissible on the ground that it related to another and distinct issue, and he suggested that witnesses might be called as to character; so that the learned counsel could not according to the rules upon which these things are conducted have pressed home the evidence of these witnesses on the question based upon the hypothesis that Smith and Beck were two different persons?—No; I am not pretending to say that that issue was before the jury. I mean my whole statement is that it was not.

1094. Then the result of the ruling was that a very material part of the evidence of the case—possible and present in the case—was excluded on the question whether this man was the

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man who committed the crime or not?—Yes; but, as I have said, I do not think it would have been excluded if the defence had tendered any affirmative evidence in support of that proposition.

1095. I just want to see. I quite agree with you that they might have tendered it. They might have tendered the direct evidence you suggest of an expert to the effect that the handwriting of the incriminating documents was not the handwriting of Beck. That would have been going direct to the main issue, not going by what you call a roundabout way. But the one would not have been any more admissible than the other. The direct way is the direct way, and therefore admissible, and the roundabout way, if you go by the roundabout process, is just as admissible as the other?—Yes.

1096. The first, I agree, was not excluded by the ruling; but the second was, with the result that all the evidence going to negative Beck's having possibly committed the crime in the first instance, and therefore in the second, the hypothesis being that they were in the same hand was excluded?—Yes.

1097. Do you think that justice could be done under those circumstances—that any tribunal could allow a judgment or verdict obtained under such circumstances to stand, if the point was laid before a Court of Appeal?—Well, I cannot prognosticate what a Court in the nature of a Court of Appeal would do. I cannot help thinking the Court would have asked immediately the argument was opened: "Was any evidence tendered for the defence that this was not his handwriting?"

1098. It was tendered, but excluded?—No, not for the defence.

1099. That answer in cross-examination was an answer, of course, in point of defence?—Yes, but I think the question would have been asked.

1100. And it carried with it the alibi, too, because that would have been for the defence, and no evidence was admitted for the defence going to the alibi. But as you say the fact was elicited which, if it had been considered relevant to the issue which was in existence, might have been asked, but it could not be asked under that ruling, and the jury could not be addressed upon it?—As I said, I do not pretend to have any recollection of what the address to the jury was, and what was said, though I have no doubt whatever that the jury appreciated that that was the issue the defence desired to raise, and they must have appreciated the evidence of these gentlemen who were called to say he was in Peru in 1880, 1881, and 1882. I might, if I had insisted on strictness, have objected to their saying a word about those years.

1101. I am not sure that you did not, to some extent,



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indicate that you did not approve altogether?—Possibly I did my best to keep to what I thought was regular.

1102. Certainly, it would have been perfectly regular on that ruling to have excluded all questions except those as to the point of character undoubtedly?—Yes.

1103. It came out in a very indirect way, as it were, emphasising their opportunities of affirming an opinion as to Beck's character?—Fifteen years before, in Peru.

1104. Quite?—I mean it is hardly evidence of character. If I had chosen to object to it I might have objected that it was not evidence of character at all, and it evidently went in before the jury. To say that you have known a man in Peru fifteen years before would hardly be accepted by a jury as evidence of good character.

1105. I suppose they were directed that the evidence did only go to character. Their attention was never addressed to its bearing on the main issue in the case?—No.

1106. Sir JOHN EDGE—I suppose you could not have objected to an opening by Mr. Gill that he proposed to call evidence to show that similar frauds were committed in 1877 by a man who wrote cheques which were exactly in the same handwriting as these cheques in 1896, and at the time those frauds were committed in 1877 Mr. Beck was in Peru?—Certainly I could not have objected to his opening that.

1107. You could not have objected to his proving it, could you?—Subject to my warning which I had already given. As I said, if he had persisted in doing it of course I could not have objected.

1108. You could not have objected to it?—No.

1109. Just one question further. Would not Mr. Gill have been open to some reflection if he had not broached that defence by his cross-examination of Mr. Gurrin? He had Mr. Gurrin in the witness-box who had examined all these documents. Was it not his duty, as defending counsel, if he intended to open a defence of that kind, to cross-examine Mr. Gurrin on the point?—Quite. I have never suggested that Mr. Gill was not doing his duty in putting the question in cross-examination. I am only concerned to say that I was doing my duty in objecting to it.

Sir JOHN EDGE—I quite understand your point.

The CHAIRMAN—I think you were only right and bound to take the point.

Sir JOHN EDGE—It is the duty of the prosecution—at least I always thought it was, and I have conducted prosecutions myself—to prevent the jury being misled.

The CHAIRMAN—I hope it is so.

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**THE WITNESS**—I have made a great many efforts in my life, I know, with that object.

**SIR JOHN EDGE**—I did for twenty years.

**1110. THE CHAIRMAN**—But your intervention, just to put it shortly, did not in any way narrow the issues in the case?—Not in the least.

**THE CHAIRMAN**—And any ruling which had for its effect to narrow those issues would be a wrong ruling. I do not think there is anything else. Mr. Beck, do you wish to ask a question?

**MR. BECK**—I have not had the pleasure of seeing this learned gentleman since 1896 in the Old Bailey, when I had such an ironic and pleasant smile from him as much as to say: "You are the culprit." I want to ask this learned gentleman if he does not think that the jury, who were then called, knew when they were sitting in that box that it had been declared in the Police Court that I had been formerly convicted as John Smith, giving the name of John Smith, or Lord Willoughby, or the Earl of Wilton. I have not the slightest doubt in my own opinion that the jury knew all that, and when Mr. Gill asked this learned gentleman to defend myself against this terrible accusation I wondered that it was so, because in every country a man who feels himself innocent always gets the chance to defend himself, but I had not the slightest. Moreover, at that time, as you will have seen, I was quite imbecile from shame and horror at what had passed. I think myself every one of them knew that I was accused of being formerly convicted, because it was a long time after that. That is one thing. Another thing, I believe that you, sir, knew that they took away from me the letter D. I was John Smith no more, but Adolf Beck. There were two persons, John Smith and Adolf Beck; but that you must have known when I got out. I have often wondered, when I approached a friend of yours, Mr. Wilkinson, the solicitor whom in the beginning, when I told him my story, believed absolutely in my story, when I took him to your chambers, and he told me he was a friend of yours, why, after a while, I found that Mr. Wilkinson was quite a different man. I ask him why. I will tell you why he said it was. "My friend, Mr. Avory, has told me that he absolutely believed that you are a guilty man." After I had come out and tried to prove my innocence, what necessity was there for Mr. Avory to tell this gentleman against me here in 1901?

**THE WITNESS**—What is the question you want me to answer?

**MR. BECK**—I have called upon you, and I have written to you, but I have not had the pleasure of seeing you before now, and perhaps I shall not have the opportunity again. I want

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to take this opportunity of asking you why you should put Mr. Wilkinson against me?

THE WITNESS—It is absolutely untrue that I ever put Mr. Wilkinson against you.

MR. BECK—I am sorry to say that above the tomb of a dead man. I do not think Mr. Wilkinson ever would say such a falsehood to me. He told me distinctly that you had set him against me, and that you told him I was a guilty man right enough. I take this opportunity to ask you this question, and now you have said you have not said so. I am sorry on the tomb of a dead man that such a question should be asked.

THE WITNESS—It makes no difference to me whether a man is dead or alive.

MR. BECK—No, he is not dead; he always lives; every one of us lives. This is what was told to me, and I am not sitting here telling a false story. Whether he has told me a false story, or whether I was telling a false story, there are people who will tell you the same as I am doing.

THE WITNESS—I understand your question to me, and the only question I have been able to gather is whether I told Mr. Wilkinson not to have anything to do with you because I thought you were a guilty man. Is that the question?

MR. BECK—You have set him against me. Since he saw you he became quite a different man to me.

THE WITNESS—All I can say is, it is absolutely untrue to say that I ever said to Mr. Wilkinson, or to anybody else, as far as I know, after you came out of prison, that they were to have nothing to do with you as you were undoubtedly a guilty man. That is my answer.

SIR GEORGE LEWIS—May Mr. Ivory be asked whether, after the evidence that was given of Mr. Beck being in Peru during the whole of the years that Smith was in prison—whether after hearing that evidence he was satisfied that Mr. Beck was not John Smith?

1111. THE CHAIRMAN—What do you say, Mr. Ivory?—There is no objection to asking the question, I suppose?

1112. No?—To ask me what I thought at a particular moment in 1896 about one case out of several that I did during 1896 is an impossible question to answer, quite.

THE CHAIRMAN—I think we may relieve you. I am very much obliged to you for your assistance.

The Witness withdrew.

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## Statement by Chairman.

The CHAIRMAN—I desire to make a short statement in view of the fact that the learned Recorder is present, and, as I understand, is about to make a statement. I think I am expressing the sentiments of my colleagues, as well as myself, when I say that we have from the first considered ourselves bound to regard the well-settled principle that all communications between a judge and the Home Office in the course of reviewing a sentence are upon the highest public grounds deemed to be absolutely confidential. It was a difficulty which we had to consider in coming to the conclusion, at which we arrived, that in the public interest it was desirable that the inquiry should be held in public. We came to the conclusion that in the circumstances of this case the inquiry could be held in public without in any degree infringing upon the principle to which I have referred, and which we regarded as inviolable. We felt, therefore, that we ought not to put any pressure upon or formulate any invitation to the learned judge who had tried the case to make any communication whatever to us. Such communication as he is about to make he is making entirely at his own instance, because he thought, from his point of view, that it was desirable that he should say in public what he had to say upon the matter. Speaking for myself, and I think I am expressing the view of my colleagues also, had we thought that the inquiry which we are now carrying out, if held in public, would cause us to violate in the slightest degree the absolute sanctity, if I may so call it, of the communications between the judge and the reviewing authority, we should have faced the responsibility of holding this inquiry in private; and it is only because we came to the conclusion that we could without risk in the special circumstances of this case carry out this investigation in public that we decided to do so. I make these remarks because we are dealing, so far as I know, with a case of first instance. I am not aware that a judge has ever been called upon to state, or has ever been given the opportunity of stating in public, what reasons influenced him in dealing with the case before him in his capacity as judge. Therefore, I desire that the method which we are now adopting should not in any way be deemed to be a precedent involving the suggestion that under any possible circumstances the communications between the judge and the Home Office are other than inviolable, unless the judge himself chooses to break, so to speak, the seal and publicly state that which he thinks fit to state upon the matter. It must not be supposed that in saying this I am dealing with anything more than the principle itself. We have had, we were obliged to have, and we were entitled to have under the special circumstances of this case, access to the confidential

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communications between the learned judge and the Home Office. I am dealing with the principle and not with the instance. In my view everything that has passed between them might be placarded in the public streets without any mischief whatever to the public; but it is the principle, and not the instance, that is at stake; and I desire most anxiously that what we are doing in this case should never in any degree be taken as a precedent for inviting, or putting any pressure of any kind whatever upon a learned judge to state anything that has passed, under the seal of confidence, between him and the Home Office.

Sir JOHN EDGE—I entirely agree with every word that the Master of the Rolls has said. I think it is highly necessary that communications between the judge who has tried the case and the Home Office should be kept absolutely confidential.

The CHAIRMAN—There is just one other observation that I desire to make before we heard the Recorder, and that is this, and it is addressed to the manner in which such a communication ought to be received. All judges—all tribunals—in this country are liable to make mistakes except the House of Lords, which, like the King, and to a very great extent on the same grounds, is deemed to be incapable of making a mistake; but if such mistakes are made they are reviewed, where the right to review exists, by the proper authority, and no one has at any time suggested that any judge, whose decision is the subject-matter of the review, could be invited to state anything or answer any question touching the grounds upon which he arrived at his decision. No such inquiry could be conducted without compromising the dignity, and therefore impairing the efficiency of any one holding the exalted station such as that of a judge in this country. Therefore to my mind it would be nothing short of a public scandal if any questions in the nature of cross-examination were addressed to a judge who, for public reasons, has thought it fitting on a public occasion to state such facts as he thinks material that have come before him in his judicial capacity on the trial. Therefore, in this inquiry no questions will be addressed to Sir Forrest Fulton upon his statement, except such as may occur to us as necessary to enable us to understand fully that which he desires to say.

Sir SPENCER WALPOLE—As Sir John Edge has spoken, and in case my silence might lead to any misapprehension, I should like to be allowed to add that I entirely concur with every word that has fallen from his lordship. His lordship was good enough to speak to me before he made the statement, so that I was aware of what he was going to say. I concur with every word as to the principle which he has laid down,

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and as to the exception which he has drawn in this instance in view of the action of the learned judge, the Recorder, who is before us this morning.

Sir FORREST FULTON, called and Examined.

Sir FORREST FULTON—Mr. President, there is very little which I desire to add to the very full public statement I thought it my duty to make in the face of the wholly exceptional circumstances connected with this unhappy case, in which so grievous a wrong has been done to Mr. Beck. My recollection is that throughout the course of this long and anxious trial, my own private opinion was that probably Beck was not Smith at all. When, however, I was called upon to reconsider the whole case on the petitions forwarded to me by the Home Office in July, 1898, I seem to have arrived at the conclusion that Beck and Smith were probably one and the same person. I noticed, however, that Mr. Dutton in his petition alleged that the official record showed that Smith was a Jew, and I suggested to the Home Secretary that the vexed question as to whether Beck was Smith or not would be at once solved if it was proved on examination that Beck was not a Jew. The Home Office acted on my suggestion and the "D" mark was removed. Why Beck was marked after his conviction as a person who had been previously convicted in the face of the fact that the Treasury carefully abstained from trying the issue I do not know, and I am, of course, in no way responsible for it. The course taken by the Treasury in the conduct of the prosecution left on my mind a strong belief that they either thought Beck was not Smith, or at any rate that they were not in a position to prove it. I naturally assumed, as the case was conducted by the Director of Public Prosecutions, that every point had been carefully considered and all the documents compared and examined, and so far from regarding it as an axiom, as you, sir, seemed to think from your statement on Thursday last, that the documents in the Smith case and the Beck case were clearly in the same handwriting, and generally admitted to be so by every one, I thought that Mr. Avory had arrived at the conclusion that it was a very doubtful point, and that Mr. Gurrin was probably mistaken in the view which he took at the Police Court as to the identity of the handwriting in the two cases. Mr. Avory objected to the production of the documents in the Smith case, on the ground that the question whether they were in Beck's writing or not was a collateral issue, in other words that Beck might be the man who committed the offences charged, and yet not the man who com-

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mitted the offence not charged in the indictment before me, namely, the previous conviction of John Smith in 1877. I had not, and never have, seen the documents in the Smith case since 1877, when I see by the Session Papers I prosecuted this man. I had not the faintest recollection either of the case or the man. I cannot lay my hand on my fee book for that year, but I expect I only held the brief, which was probably a Court prosecution, for a friend. I had very little business at the Old Bailey at that time. I thought that Mr. Avory was right, and that the question whether Beck was Smith not being charged in the indictment was a collateral issue, and that the course taken by the Treasury could only be explained on the assumption that they thought that, at the very least, it was very doubtful whether the documents in the Smith case and the Beck case were in the same handwriting. It seemed to me otherwise quite impossible to explain why Beck's witnesses to character were not cross-examined, or any attempt made to prove the previous conviction. I regard expert evidence as to disguised handwriting at all times with the greatest suspicion. It is to my mind almost invariably inconclusive, and as I have already explained, I specially cautioned the jury against relying too much on Mr. Gurrin's opinion, all the more because I thought the Treasury had arrived at the conclusion that he was probably mistaken in saying the Smith documents and the Beck documents were in the same handwriting. I thought Mr. Gill, quite legitimately, was trying to run the defence on the identity of doubtful documents, to the exclusion of the positive evidence as to Beck's identity which had been sworn before me by no less than eleven witnesses. Mr. Avory, representing the Treasury, objected to the production of the Smith documents on the ground that the issue involved was a collateral one, and I upheld his objection and declined to order the documents to be produced. Mr. Gill then said, "Will you reserve the point?" I said "What point? You are asking me to exercise a discretion which for the reasons given I do not think I ought to do, that is not a point of law." The matter then dropped. As Mr. Avory's conduct of the prosecution has been publicly attacked, I think it right to say I have known him intimately all through his professional career, and that he is both a most able lawyer and advocate, and also a man of the very highest honour and integrity. I think, however, he was in error in supposing that the previous conviction could not have been charged in the misdemeanour indictment; it is specially provided for by the Prevention of Crimes Act (sec. 34 & 35 Victoria, cap. 112). I asked Mr. Justice Grantham to take Beck's case in the present year

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because I thought it fairer for him; I never like to try a man twice. I have already given public expression to my deep sympathy with Mr. Beck in the awful calamity which has befallen him, and I desire to-day to repeat what I have already written.

The CHAIRMAN—Yes, certainly.

(The statement was handed in.)

1315. The CHAIRMAN—Does that comprise your statement?—That is all I desire to say. I desire to hand in this statement formally.

1316. There is this point of fact that we should like to be clear upon. We have heard that documents were sent to you from the Home Office for your opinion and advice?—Yes.

1317. What I should like to know is, were the documents which disclosed the non-identity of Smith with Beck by reason of the fact of circumcision included in the documents that were sent to you?—I think not. I saw the statement referred to by Mr. Dutton, and that is the reason why I suggested that if an examination was made the matter would be at once set at rest.

1318. I gather that we are at liberty to refer to the contents of your letter to the Home Office?—Certainly.

1319. It is upon that I should just like to put a question to you.

Sir JOHN EDGE—This was the letter which Mr. Murdoch wrote to you: I will hand it up in order that you may refresh your memory.

(Sir J. Edge handed the letter, which is printed at page 290,\* to the Witness.)

1320. This is a copy of the document which, it has been stated, was sent to you?

(The document which is printed at page 287\* was handed to the Witness.)

Yes, it was for that reason that I, in my report, advised that the examination should be made of the man as to whether he was a Jew or not.

• 1321. The CHAIRMAN—Then I understand your recollection is that it was not brought home to you by official evidence that it was the fact that these distinguishing physical circumstances existed?—No, certainly not. That was not the impression left on my mind at all by the documents submitted to



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me. But I did, of course, see how vital the point was as determining this vexed question of the identity of Smith and Beck, and I suggested to the Home Secretary that he should have the examination made for the purpose of establishing the point, which he did do, and the result was that the mark was removed, as I am informed, from this man.

1322. I would like you, if you do not mind, to look at the terms of your letter. I think perhaps it ought to be read?—I have a copy in my pocket.

1323. Would you object to it being read out?—Not in the least.

The CHAIRMAN—I think it really ought to be read. The Secretary will kindly read it.

1324. The CHAIRMAN—There is just one passage in that letter I wanted to ask you about. This is the passage: The letter, I think, was dictated by you, was it not. It was not written by you?—I do not remember, but I can tell in a moment if you will let me look at it. (Letter handed to Witness.) It is in my clerk's writing, signed by me.

1325. Now you have the original before you. There is this passage which caused me some little perplexity: "I did not investigate the question as to whether he was John Smith, although I have very little doubt he and Beck were one and the same person." Do you think "have" is the word that you used there?—I could not say. Do you mean whether the word was "have" or "had"?

1326. Quite?—I could not positively say.

1327. If it really was "have" it would be quite consistent with what you say to-day: that your impression is that you had not received at that time the conclusive evidence dis-severing the identity of Smith and Beck?—Exactly.

1328. That was really what puzzled us in the matter, because we were told by the Home Office that you had had that document. I mean the identification record which discloses the fact that one was circumcised and the other was not?—I did not apparently understand whether that was an official document or not.

1329. Quite: whether it was the record of an ascertained fact?—Of an ascertained fact or not, and therefore it was for that reason I suggested to the Secretary of State that the examination had better be at once made, because if it were made it would establish the question beyond all doubt.

1330. Were there any verbal communications between you and the Home Office?—No, I think none whatever. It was entirely conducted by the correspondence. I only had one communication with the Secretary of State and this is the communication. So far as I remember, I do not think there was any other.

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1331. The Home Office claim to have instituted that investigation at their own instance before they communicated with you—I mean the investigation as to whether Smith was a Jew?—I do not know anything about that, but I thought that the investigation was the result of my letter, but I do not know.

1332. It is quite clear now, if you are right in thinking you used the word “have” instead of “had,” that you could not have had before you the official statement disconnecting the two people?—Certainly. My opinion is, that I never had that before me at that time; at any rate, that I did not appreciate it.

1333. That is what occurred to us?—I certainly intended in my letter to suggest that the Secretary of State should make this examination with a view to ascertaining the fact. I then subsequently found, according to the statements which have arisen in this inquiry, that the examination was made, but I was not at all aware that it had been made at the time the Secretary of State communicated with me; certainly not.

1334. I thought it worth while to clear that up?—It is impossible if I had known that the examination had been made that I could have said that I thought he was the same man.

1335. I thought it possibly might be explained by the mistake of the word “have” for the word “had”?—It may be so. But it would be contrary to the terms of my letter and common sense. If I had in the least understood that the Home Office at that time had made the examination, how could I possibly say that I thought they were the same person? I could not, because I distinctly said if that point is established it is clear they cannot be the same person, which, of course, is perfectly obvious.

1336. Sir SPENCER WALPOLE—Have you seen by any chance this paper which the Home Office circulated amongst us, which contains the distinctive marks?—No.

1337. Would you mind looking at that? It contains the distinctive marks of Smith and Beck. (*Handing statement to Witness*)?—No. I have not seen it.

1338. You will see that paper was prepared for the Home Office in May of 1898. You will observe that at the bottom of these facts there is the fact that one man is circumcised and the other man is uncircumcised?—Yes.

1339. If you will kindly look at Mr. Murdoch's letter to you of July, 1898, two months afterwards, it purports at the end of it to forward to you a note of the distinctive marks found upon Smith and Beck. You observe that?—Yes.

1340. What I want to ask you is, if you can recollect whether that note of the distinctive marks in the previous page was

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the document enclosed to you in that letter, and if so, whether there was anything on it to show that it was an official document, and not a document furnished to the Home Office by Mr. Dutton?—Certainly, the impression left upon my mind was that it was not an official document; that it was a document which required investigation and that it was part of the inquiry that Mr. Dutton was making on behalf of the accused, and which formed the subject matter of the petition. That is how the matter was presented to my mind when I went through these papers.

1341. You think that document, as far as you recollect, was actually enclosed in the Home Office letter, but there was nothing to show that it was official?—I have no doubt it was, but it did not present itself to my mind as an official document. If it had presented itself to my mind as an official document, and I had supposed that the examination had then been made, it is impossible that I could then have said I thought they were the same person, because, if one man is circumcised and the other is not, they could not be the same person.

1342. You say you suggested that such an examination should be made?—I did by inference; at least I thought so. It was not necessary to put it in exact terms. “It is, of course, obvious that if at the time of his conviction Smith was circumcised and Beck is not, so they cannot be one and the same person.” I presumed from that that the Secretary of State would institute the necessary inquiries, and would do it one way or the other.

1343. The CHAIRMAN—We are very much obliged to you for the assistance you have given to us?—Mr. President, I thought it right to present myself, having regard to the exceptional circumstances of this case, and I thought it was right that I should make such statement as I desired to make, and that I should answer questions as you might think it right to put to me in public, otherwise if I had sheltered myself by my official position and given evidence in private it might have been open to the gravest question that there was something I desired to conceal. On the contrary, I desire to be perfectly open and frank with regard to the whole of my transactions, both as to the Secretary of State and otherwise.

The Witness withdrew.

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# Examination of Sir Forrest Fulton.

Sir FORREST FULTON, recalled.

1381. The WITNESS—The document that has now been handed to me is the document that was sent to me by the Home Office in 1898. There is nothing on it which would indicate that it is an official document so far as I can see. You can judge for yourself.

1382. Sir SPENCER WALPOLE—Except the stamp on the paper?—Yes, copied by the Home Office, but I cannot say that I thought it was an official document from that. It is on their paper, of course.

The CHAIRMAN—We are very much indebted to you for your assistance.

The Witness withdrew.

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Mr. THOMAS HENRY GURRIN, called and Examined.

1615. The CHAIRMAN—I understand you desire to make a statement?—That is so, my lord.

1616. You were the expert in handwriting who gave evidence at the first trial of Mr. Beck?—I was, my lord.

1617. Would you like the secretary to read your statement, or would you prefer to read it yourself?—I think I would prefer to read it myself. The documents in the charge against Mr. Beck were sent to me from the Treasury in December, 1895, and January, 1896. They consisted of the incriminating documents and of specimens of Mr. Beck's handwriting. I submitted them all to a careful analysis, and made various tracings for the purpose of comparison. I do not think it would serve any useful purpose were I to endeavour to show all the grounds on which I based the opinion I then gave, but I may briefly say that the two groups of writing differed in general appearance, Mr. Beck's being more uniform and usually sloping forward, while the other was apparently distorted and written backward, vertically, and forward. I need not say that a difference in general appearance cannot be relied on as showing different authorship, because if a writing be disguised, the aim of the writer has been to produce an effect as distinct as possible from that produced by his ordinary writing, and in such cases if the penmanship does not absolutely baffle detection, the authorship may be identified by the tracing of peculiarities and habits existing in proved handwriting and inadvertently left in the disguised writing. The distorted forms of many of the letters and the variety of angle and style

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in the incriminating documents, as well as their fraudulent nature, led me to assume that they were disguised. The handwriting in these incriminating documents contained a number of peculiar features. It appeared to be a foreign hand, the capitals particularly being suggestive of types commonly met with in German, Norwegian, and Swedish writings. In Mr. Beck's writing I found features which seemed to me to be of a kindred type. In both groups of writing I found a similar variety in the size of the capitals, varying from large to very small. In both I found resemblances in various letters, capital and small, as well as in some of the figures—3, 4, and 5—which seemed to indicate the habit of the same writer. The consideration of these resemblances led me to the belief that the two groups of writing were by the same hand, only that in the one case they were disguised. This was the result of the first part of my investigation. As to the result of the second part, I examined the papers in the case of John Smith, 1877, and found the documents in nature, form, and handwriting were so absolutely identical that there could be no possible doubt that they were by the same man who had written the incriminating documents in the 1896 case. This was too obvious to need any demonstration. When before the magistrate at Westminster I gave my evidence on both points; first, that to the best of my belief the handwriting in the incriminating documents of 1896 was Mr. Beck's handwriting, and in regard to those I have already admitted frankly that I was wrong, and I did so the moment it came to my knowledge. I very deeply regret the error in judgment. Secondly, I gave evidence to the effect that the incriminating documents in the 1877 case were beyond any doubt by the same man that wrote the incriminating documents in the 1896 case. I may add that in the 1877 case there was no proved specimen of John Smith's ordinary handwriting. Such a specimen would have been of the greatest value. During the proceedings I carefully followed the case and the evidence of every witness, and it seemed to me that every particle of the evidence strongly confirmed the opinions I had formed. There were ten or eleven women who identified Mr. Beck as the man who had robbed them (I witnessed one of the identifications myself), some of whom swore that they saw Mr. Beck write these documents. There were the identifications by the two police officers of Mr. Beck as the man John Smith in their custody in 1877. There was the absolute identity of the writing in the 1877 and 1896 cases, and there was the fact that the late Mr. Inglis, my colleague, who was never loth to oppose me, had examined the documents on behalf of the defence, and he was not called to rebut my evidence, thus leaving me to assume that

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he shared my opinion. At the trial in 1896 my evidence as to the incriminating documents and Mr. Beck's handwriting was given. I expressed my conscientious opinion to the best of my belief. I never swear to handwriting, and in answer to Mr. Gill in cross-examination I admitted, as I am always willing to do, the possibility of my being mistaken. I said I laid no claim to infallibility. The second part of my evidence, however, as to the identity of the 1877 and 1896 writings being identical, and which was manifest to any one, was, I regret to say, not taken. At the trial in the present year I repeated the same evidence as in 1896, having, moreover, repeated to the Treasury that there could be no doubt that all the incriminating documents in 1877, 1896, and 1904 were written by one man. Had I then known that it had already been ascertained that John Smith and Mr. Beck were two different persons, my report would have been in Mr. Beck's favour, as to assume him guilty under these circumstances would, on the handwriting, have been a contradiction. I was still convinced that the John Smith of 1877 and Mr. Beck were one. In July last, when Mr. Beck was still in detention, I heard of the arrest of another man for the same class of fraud, and of a letter said to be identical with the writing in the incriminating documents in the previous cases. I saw it on Sunday, the 17th July, and was astounded to find the identical hand that had been used in all the incriminating documents throughout. Then for the first time I recognised that Mr. Beck could not be John Smith. On Monday, the 18th, I went to Lord Desart and to the chief commissioner of police, and stated that in view of that letter I was convinced of Mr. Beck's innocence. In conclusion, I can only express my deepest sympathy with Mr. Beck in his terrible trials, and my heartfelt regret that his innocence of the charges brought against him was not discovered in time to spare him his many years of suffering.

1618. Sir JOHN EDGE—I understand you to say that the incriminating documents of 1877, the incriminating documents of 1895, and the incriminating documents of 1904 are exactly in the same handwriting?—Absolutely identical in every respect.

1619. No doubt could be entertained by any one that they were written by the same man?—Absolutely impossible for there to be any question at all of that.

1620. Do you still think that that was a disguised hand? You see there was an interval of twenty-seven years between 1877 and 1904. Do you think a man would carry on exactly the same character of disguised hand for twenty-seven years?—I have to answer that in two ways; the last part of the question

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first. It is quite possible that a man may adhere to the same form of disguise for a large number of years.

1621. What you mean by a disguised hand is that it is not his natural hand?—Not his natural hand.

1622. But only used on particular occasions?—Yes, that is so.

1623. You have it in 1877, and then you have it eighteen years afterwards, in 1895, and again twenty-seven years after the first, in 1904. Do you think that a man would carry forward the same peculiarities in disguising his hand during all those years and leave no trace of any difference?—It is, I think, quite manifest, on examining the incriminating documents, that some portions of them are intentionally disguised.

1624. Put the signatures on one side. Take the bodies of the documents. Is there the slightest difference in the writing in all these years?—I may say that, take them all in all, the writings of 1877, 1896, and 1904 are manifestly by one hand, even including the differences which appear on the documents themselves. Sometimes the John Smith writing is a small writing, with a forward slope, and nothing like so distorted as at others. At other times it is a very large writing, written backwards, and apparently written right from the elbow, without apparently controlling the wrist. I can show in a moment, I believe, what I mean by referring to a tracing.

1625. Really, what I was trying to come at was, whether you concluded that the incriminating documents in 1895 and 1896 were in a disguised hand, because the hand differed from Mr. Beck's ordinary hand?—No, those were not the grounds on which I concluded that it was disguised. It was the distortion, the irregularity of angle, and the difference of style in the incriminating documents themselves.

1626. Then if you had seen none of the genuine writing of Mr. Beck at all, you would still have been of opinion that the documents of 1895 and 1896 were in a disguised hand?—Yes.

1627. Sir SPENCER WALPOLE—The documents as well as signatures? Signatures are obviously, as you have described it, inverted?—There was other writing besides the signatures; for instance, the bills of exchange and the addresses on the envelopes. For instance, here is a facsimile of writing taken from those incriminating documents (documents produced). Some of it is very large. These are upright, and backward, and small with the forward slope. All those handwritings were taken from the same set of documents.

1628. Sir JOHN EDGE—Of course, I am not an expert?—It is the enormous difference in the style.

1629. As a matter of fact, do you find there is any difference in the style of a man's writing over a period of twenty-

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seven years?—It depends upon what period you compare them with.

1630. I say over a period. Is it your opinion that a man's writing remains the same for a period of twenty-seven years?—It often does; sometimes it does not. I have seen writing written at an interval of thirty-five years. A woman's writing, compared when she was twenty-five with when she was sixty, and the two signatures looked as if they might have been written almost at one sitting.

1631. And the body of the letter?—I am only speaking of the signature.

1632. Sir SPENCER WALPOLE—If you had known in December, 1895, that the marks on Beck's body did not correspond with the marks on Smith, would you have modified your opinion?—If I had known that there were marks that refuted his identity, certainly. I should have said it was impossible.

1633. You were not informed of any such difference in marks by the police, were you?—I heard on one occasion, I think, that there was some discrepancy, something in the way of a mole or a wart, but it struck me that it was of such a nature that it might have been transient at the time, and that the lapse of years would have accounted for it disappearing.

1634. If you had known in 1904 that there was a distinct difference between the marks in the two bodies, the one being a circumcised and the other an uncircumcised man, would that have modified your opinion?—I should say so, most decidedly, because I was absolutely conscious of the fact all the way through that it must have been the 1877 man that committed these frauds.

1635. And, as a matter of fact, you did not receive that information?—No.

1636. Sir JOHN EDGE—From the point of view of an expert, I suppose it would be immaterial that you should receive that information, would it not?—I take the greatest notice of facts.

1637. Yes, but are not those outside facts likely to influence your judgment as an expert? I mean, if you find there are ten or eleven witnesses who identify a man, would that strengthen your view that you were correct in your view of the writing, as an expert?—I think so, undoubtedly, if I heard ten or eleven witnesses declare a fact, and I believed their statement, it would certainly strengthen my opinion.

1638. It would strengthen your opinion that you were correct in your criticism of the writing?—Yes, all the evidence that I heard from time to time did confirm me in the belief that my opinion was an accurate one.

1639. Can you say that it did not influence your opinion when you were coming to a conclusion in this matter?—No, it



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did not influence me in the first place. Step by step it confirmed me.

The CHAIRMAN—Thank you, Mr. Gurrin.

The Witness withdrew.

Mr. ADOLF BECK—May I put a question to Mr. Gurrin with regard to Mr. Gurrin's statement?

The CHAIRMAN—Let me know what the question is.

Sir GEORGE LEWIS—The question is: Does Mr. Gurrin think that, if he had been allowed to give evidence at the trial and was not stopped from doing so, his evidence would have made Mr. Beck's innocence apparent at the trial.

The CHAIRMAN—He said so.









